

# EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

48 & 49 Vic., Ch. 78.

## FINAL REPORT

OF THE

### COMMISSIONERS,

WITH

#### ABSTRACT OF THE MINUTES OF THE COMMISSION, MINUTES OF EVIDENCE, AND APPENDICES.

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*Presented to both Houses of Parliament by Command of Her Majesty.*

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# FINAL REPORT

OF THE

## EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

TO HIS EXCELLENCY ROBERT OFFLEY ASHBURTON,  
BARON HOUGHTON,

LORD LIEUTENANT GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCE,

We, the Commissioners appointed under the Educational Endowments (Ireland) Act, 1885, now have the honour to submit the Report of our proceedings, under the above-mentioned Act, to December 20, 1894. We do not anticipate the necessity of presenting any further Report, and we have therefore framed this as our Final Report.

The powers of our Commission which were extended to March 31, 1893, by "The Expiring Laws Continuance Act, 1891," were further extended, with regard to certain specified Endowments, to December 31, 1893, by Order in Council dated March 30, 1893; to July 31, 1894, by similar Order dated December 23, 1893; and to December 31, 1894, by further Order dated July 26, 1894. A copy of these Orders, with Schedules specifying the Endowments to which they respectively refer, will be found *infra*, Appendix H, Nos. I (a), I (b), and I (c), pp. 255-259.

The number of Meetings which we have held for the transaction of business since the close of the period covered by our last Report—that is, since October 1, 1892, is as follows:—

148 Meetings of the Full Commission.
111 Meetings of the Judicial Commissioners.
64 Meetings of the Assistant Commissioners.

Total, 323 Meetings.

A Return of the attendances at these Meetings is annexed; *infra* p. xxii.

Besides attending the Meetings included in this Return, we have individually taken part in the preparation of Schemes, and in the consideration of Objections and Amendments; and we have attended at the Office for the transaction of other business.

The annexed abstract of our Minutes, *infra*, p. xxxiii, contains a summary of our proceedings since our last Report.

In pursuance of our undertaking, given in the course of correspondence with regard to the money provision to be made for the expenses of the Commission, for the period after March 31, 1893, during which its business was to be brought to an end, we have used every effort to complete our work. Schemes have been framed and signed by the Judicial Commissioners, in all cases with which it is intended to deal under our Act. One Scheme, having been provisionally approved, is now before Parliament; ten others have been provisionally approved without objection; and fifteen remain to be considered by Your Excellency in Council. These are the only cases still pending.

Since October 1, 1892, Sixty-one Draft Schemes have been published, and One hundred and Fifteen Schemes have been signed by the Judicial Commissioners.

### *Summary of the Work of the Commission.*

Table I, annexed to this Report, *infra*, p. vii, gives a complete list of all the cases in which Draft Schemes were published by the Commission, numbering Two hundred and Nineteen in all. Nine of these Schemes never passed beyond the Draft stage; of which four, Nos. 54, 61, 130, and 141, related to Endowments which could only be

dealt with by the written consent of the Governing Bodies, and were not proceeded with, owing to the absence of such consent; two Draft Schemes, Nos. 158 and 154, were amalgamated with Scheme No. 147; two, Nos. 192 and 215, were dropped, because the Judicial Commissioners, for special reasons stated in the Minutes of December 12, 1894, *sicut*, p. cix, were of opinion that it was not expedient to complete them; and in the remaining case, No. 146, that of Erasmus Smith's Endowment, the Judicial Commissioners were unable to agree upon the form of a Scheme to be signed by them.

Two Hundred and Ten Schemes, in all, have been revised, signed by the Judicial Commissioners, and submitted to the Lord Lieutenant, in manner prescribed by the Act.

Twenty-two of the Schemes originally submitted were remitted with Declarations to the Commission, none of them more than once. In all these cases, except one, Amended Schemes were framed; but Scheme No. 196, for the Endowments of the Presbytery of Down, was dropped, because, in the opinion of the Judicial Commissioners, the Endowments which remained to be included in it, when remitted, were too unimportant to be made the subject of a completed Scheme.

The provision of our Act, Sec. 27, which enables any party interested to require that a Scheme shall be submitted to Parliament before it is finally approved, has been put into operation in only five instances, Scheme No. 48, for the Henry School and the Salters' Endowment, Magherafelt, was, in part, disapproved by a Resolution of the House of Commons. This is the only instance in which either House of Parliament has taken action. An Amended Scheme was prepared, which was proceeded with in due course, and has been finally approved. In three cases—No. 29, The Philharmonic Sunday and Daily Schools; No. 56, the Gilpin Schools, Oldcastle; and No. 95, the Looney Endowment, Limerick—no resolution was passed by either House of Parliament. The fifth case, Scheme No. 90, for the Diocesan Schools and the Banagher Royal School Endowments, is still pending before Parliament.

Several Schemes comprise considerable numbers of distinct Schools and Endowments, and enable the Governing Bodies to undertake additional duties. We estimate the number of Primary Schools, of which the management or the Endowments are affected by completed Schemes, as about Thirteen hundred and Fifty. More than Eighty separate Intermediate Schools, and Twenty-two Collegiate or other specially important Institutions, have been dealt with by separate Schemes. These include the Royal School Endowments; the Munster Dairy School and Agricultural Institute; the North-East Agricultural Association; the Magee Presbyterian College, Londonderry; the Catholic University School of Medicine; the Royal Belfast Academical Institution; the Belfast Royal Academy; the Alexandra College, Dublin; the Methodist College, Belfast; the Presbyterian Orphan Society; the Pembroke Technical School, Dublin; the Belfast Fishery School; the Royal Irish Academy of Music; the Ulster and Claremont Institutions for the Deaf, Dumb, and Blind; the Incorporated Society for promoting Protestant Schools in Ireland; and other Educational Institutions of the highest importance and most varied character. Schemes have been framed which incorporate Governing Bodies for the Management of the Educational Endowments of "The Church of Ireland," in almost all the Dioceses of that Church, and the majority of the Irish Presbyteries have obtained similar Schemes for the Endowments of the Presbyterian Church.

Since our last Report, we made enquiry, in every case in which a Scheme was in operation, whether any amendment was desired, and we framed Amending Schemes whenever it appeared that any difficulty had been experienced. So far as we can ascertain, the working of the Schemes has proved satisfactory.

Measures and arrangements have been made for the Inspection of the Schools in the Endowments, and also for the Audit of the accounts of the Governing

#### *Amounts administered under Schemes.*

The annual value of property belonging to the Endowments which are in completed Schemes or those still pending, include school premises £42 0s. 8d. a year, and a yearly income, from houses and lands of 0d., and from trust funds of £25,463 8s. 6d. The total annual value of the Endowments dealt with is, therefore, £67,905 5s. 7d. The annual fees, subscriptions, and other sources, of the Institutions to which these are attached, is estimated at £73,601 6s. 2d. The total amount to be under the Schemes above referred to, is £140,906 11s. 6d. a year.

We may add that the total amount expended out of the moneys provided by Parliament for our Commission, since its creation in 1885, has been £32,507 7s. 8d., less than half-a-year's income or value of the Endowments dealt with; and that the total amount chargeable against the Endowments, for the cost of publishing the Schemes, has been, in all, only £320 5s. 11d.

#### Tables.

We beg to refer to the Tables annexed to this Report for information as to the details of our work, under the following headings:—

Table I. Schemes completed or pending, in numerical order, with the stages through which each Scheme has passed.

Table II. Annual amount or value of the property to be administered under these Schemes.

Table III. A Catalogue of all the Schemes which have been completed, or which are still pending, distinguishing between Public Endowments and Endowments from private sources, and classifying, as Denominational, those Endowments which practically belong to one religious denomination only, and as Non-denominational, those which belong to more than one denomination.

Table IV. Endowments declared exempt from the compulsory jurisdiction of the Commission.

Table V. Exempt Endowments with respect to which applications for Consent were received.

Table VI. Public Sittings of the Commission held since October 1, 1892.

*infra*, p. xxx.

#### The Endowment founded by Erasmus Smith.

The Draft Scheme published for this Endowment, with the Objections thereto, and the arguments adduced at the Public Sitting held in October, 1892, were under our consideration at the date of our last Report. Since then, the Judicial Commissioners, in consultation with their colleagues, have carefully considered the whole case. They were, however, unable to agree upon the principles on which a Scheme should be framed, and, at a Public Sitting which was held on November 23, 1894, they stated the reasons for their disagreement, in written judgments which will be found *infra*, p. 235.

#### The Limerick Endowments.

We referred, in our last Report, to two Schemes then pending, No. 90 and No. 95, relating to certain Endowments in Limerick. The circumstances of each Endowment are shortly stated in that Report.

Scheme No. 95 for Leamy's Endowment, Limerick, was remitted to the Commissioners with the following Declaration of the Privy Council:—

"That while it may be desirable to make provisions for continuing to carry on the school established under the Scheme settled by the Court of Chancery as a mixed school, including among such provisions (if the Commissioners think fit) a power to sell the present buildings, and to acquire other premises more suitable for educational requirements, the school which is now being carried on pursuant to the aforesaid Scheme would be put an end to, if the present Scheme were approved of."

The Judicial Commissioners found it impossible to frame an Amended Scheme which would comply with the provisions of the Statute, sec. 13, and with the intentions of the Founder, and would, at the same time, give effect to the above Declaration. They framed an Amended Scheme which preserved the main provisions of the Original Scheme, but contained no provision for the continuance of Leamy's School "as a mixed school," and they submitted this Amended Scheme to the Lord Lieutenant in Council, with a Memorandum explaining the difficulties which had arisen. The Amended Scheme was objected to by the same parties who had objected to the Original Scheme, and on the same grounds. The Committee of the Privy Council, upon hearing the Objections, declined to give effect to any of them, and the Scheme was provisionally approved on October 26, 1893. On January 12, 1894, it was laid on the table of both Houses of Parliament, on the Petition of the existing Trustees of the School. No Resolution referring to it was moved, and on April 13, 1894, it was finally approved, and is now in force.

Scheme No. 90, deals, among other Endowments, with those of the Limerick Diocesan School, now used for the purposes of the Roxborough Road School.

At the date of our last Report, we were engaged in obtaining an official valuation of the Schoolhouse and site with a view to giving effect to the Declaration with which the Original Scheme had been remitted, and which required that a right of pre-emption should be given to the Rev. Canon Gregg, the occupier of the Limerick Diocesan School premises. On July 30, 1893, the Judicial Commissioners signed and submitted an Amended Scheme, giving the right of pre-emption, as directed, at the price of £331, which was based on the valuation of Mr. Mitchell, Architect to the Commissioners of Education in Ireland. This document will be found *infra*, Appendix B, No. III. (i), p. 263.

On November 15, 1893, the Amended Scheme was remitted, with the following Declaration:—

"That the Commissioners propose to take further evidence of value as to the terms upon which the Rev. J. F. Gregg shall be at liberty to exercise his right of pre-emption of the premises of the Roxborough Road School, under the said Scheme."

Upon receipt of this Declaration the parties interested in the matter, viz., the Rev. Canon Gregg, the Town Council of Limerick, the Board of Control of Lunatic Asylums, and the Governors of the Limerick Lunatic Asylum, were invited to submit any further evidence of value which they might desire to bring under consideration. We also requested the Board of Control to inform us whether there was such a prospect of the premises being taken for the purposes of the Limerick Lunatic Asylum as would affect their estimated value; and, lastly, by permission of Your Excellency and of Her Majesty's Treasury, we submitted a statement of the case, with copies of Mr. Mitchell's Report and Estimate, to the Commissioner of Valuation, with a request that he would furnish an official valuation, to assist us in giving effect to the Declaration.

We received written evidence of value from the Commissioner of Valuation, the Rev. Canon Gregg, the Town Council of Limerick, and the Governors of the Limerick Lunatic Asylum. We also received a reply from the Board of Control. These documents will be found *infra*, Appendix B, No. III. (i), to III. (f), pp. 263-265.

The Judicial Commissioners, upon careful consideration of the further evidence and of the whole case, could see no reason to alter the terms of pre-emption fixed by the Amended Scheme, and accordingly, they re-submitted it, with an explanatory Letter which will be found in Appendix B, *infra*, p. 261. It was provisionally approved by Your Excellency in Council on June 26, 1894; and on August 12, 1894, upon the Petition of the Town Council of Limerick, the Scheme was laid before Parliament, where it is still pending.

In conclusion, we desire to acknowledge the efficiency of the officers who have served the Commission during its existence, and especially to acknowledge the services of Mr. N. D. Murphy, our Secretary, who has devoted himself with conspicuous energy and ability to the laborious duty of completing our work during the last three years, and who had previously been our Assistant Secretary.

All which we have the honour to submit to your Excellency as our Report in the premises.

Witness our hands this Eighteenth day of December, 1894.

GERALD FITZGIBBON.  
WILLIAM O'BRIEN.  
GERALD MOLLOY.  
ANTHONY TRAILL.  
H. B. WILSON.

N. D. MURPHY, Secretary,  
Office of the Commission, 23, Nassau-street, Dublin.

## TABLES ANNEXED TO THE FOREGOING REPORT.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed.

Number of Scheme	Description		Date Scheme first published	Scheme drawn by National Commission	Scheme first published by the Lord Lieutenant or by Council	Scheme previously approved by the Lord Lieutenant or by Council	Scheme finally approved by the Lord Lieutenant or by Council	
	County	Locality						
1	Dublin.	Bowling,	St. Werburgh Schools, . . . . .	June 16,	1886, Sept. 16,	1886, Oct. 6,	1886, March 13,	—
2	"	"	St. Werburgh Schools (Amended Scheme), . . . . .	—	1887, May 16,	1887, May 17,	Aug. 16,	Oct. 17
3	"	Dublin.	Church of Ireland Training College and Killiney-green Parochy, . . . . .	June 16,	1888, Sept. 16,	1888, Oct. 6,	1888, April 4,	June 11
4	"	Corkshire,	Morgan's and Murray's Schools, . . . . .	June 16,	1888, Sept. 16,	1888, Oct. 6,	1888, Received, Jan. 2,	—
"	"	"	Hopkins's School (New Ross Schools), . . . . .	April 19,	1888, Sept. 16,	1888, Oct. 6,	1888, Dec. 13	1889
6	"	Dublin,	Methodist Female Orphan School, . . . . .	Aug. 21,	1888, Nov. 16,	1888, Nov. 16,	1888, March 1,	1889
7	"	Dublin,	Exchequer and Custom Theological Schools, . . . . .	Aug. 21,	1888, Dec. 16,	1888, Dec. 16,	1888, May 8,	Aug. 18
8	"	Dublin,	Grounds-away Presbyterian Church Institutions (Received Scheme), . . . . .	Dec. 16,	1888, May 16,	1888, May 16,	1888, July 16,	Oct. 7
9	Astrin,	Belfast,	Blundells Street Schools, . . . . .	Dec. 16,	1888, May 16,	1888, May 16,	1888, August 16,	Oct. 11
10	"	"	Ulster Society for the Education of the Deaf and Dumb, and the Blind, . . . . .	Dec. 16,	1888, May 16,	1888, May 16,	1888, Received, Oct. 1,	—
"	"	"	Ulster Society (Lisburn Schools), . . . . .	—	1889, Feb. 11,	1889, Feb. 11,	1889, Received, May 23,	—
"	"	"	Ulster Society (Portrush Amended Schools), . . . . .	—	1889, July 16,	1889, July 16,	1889, Oct. 16,	Dec. 18
12	Dublin,	Dublin,	St. Patrick's Cathedral Schools (General Scheme), . . . . .	Dec. 16,	1888, May 16,	1888, May 16,	1888, July 16,	Oct. 7
13	"	"	Alexander College and Alexander School, . . . . .	Dec. 16,	1888, May 16,	1888, May 16,	1888, July 16,	Oct. 7
14	Astrin,	Belfast,	Curry School, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
15	Dublin,	Dublin,	Hibernian Hates Society, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
16	Armagh,	Lurgan,	Witch's Endowed School, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
17	Dublin,	Corkshire,	National Association for Promoting the Education of the Deaf and Dumb, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
18	Astrin,	Belfast,	Royal Belfast Academical Institution, . . . . .	June 16,	1889, Feb. 11,	1889, Feb. 11,	1889, Received, May 16,	—
"	"	"	Royal Belfast Academical Institution (Amended Scheme), . . . . .	—	1889, July 16,	1889, July 16,	1889, Oct. 16,	Dec. 18
20	"	"	Methodist College (General Scheme), . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
21	Donegal,	Edenderry,	Peter Robert, Haughey School, and Blundells School, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
22	Dublin,	Dublin,	Hanover Town School, . . . . .	June 16,	1889, Feb. 11,	1889, Feb. 11,	1889, April 16,	July 1
23	Downing,	Monaghan,	Collegiate School, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16
24	Louthshire,	Clogher,	Academical Institution, . . . . .	June 16,	1889, Oct. 16,	1889, Nov. 6,	1889, Nov. 6,	May 16

TABLE L.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme	Endowment.			Draft Scheme first published.	Scheme agreed by Judicial Commissioners.	Scheme published by the Lord Lieutenant in Council.	Scheme previously approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
51	Antrim,	Lisburn,	Christians Endowment (General Scheme),	June 15,	Feb. 3,	Feb. 11,	1886. Resigned, Aug. 6.	1886.
			Methodist Endowment (Amended Scheme),	—	Aug. 2,	Aug. 24,	Feb. 6, April 16.	—
52	—	Ballyk.	Ladies' Industrial School,	June 14,	Feb. 8,	Feb. 11,	1886. April 16.	1886. July 8.
53	Limerick,	Limerick,	High Presbyterian College (General Scheme),	June 16,	Feb. 8,	Feb. 15,	April 11.	July 8.
54	—	—	Gow's Charitable Institution and Young Farmers,	June 16,	Feb. 16,	Feb. 28,	May 31.	Aug. 2.
55	—	—	Gregory School,	June 18,	Feb. 16,	Feb. 28,	1885. Mar. 6.	1885. May 18.
56	Dublin,	Dublin,	Dublin Working Boys' Home and Boarding Establishment,	Aug. 2,	Feb. 8,	Feb. 15,	April 11.	July 8.
57	—	—	Burke's Female Orphan School,	Aug. 2,	Aug. 11,	Aug. 16,	Resigned, Dec. 16.	—
—	—	—	Burke's Female Orphan School Amended Scheme,	—	Jan. 11,	Jan. 18,	April 16.	June 16.
58	Dublin,	Dublin,	Dublin Royal Academy,	Aug. 2,	Feb. 8,	Feb. 15,	Resigned, Mar. 15.	—
—	—	—	Dublin Royal Academy (Amended Scheme),	—	July 25,	July 26,	Oct. 16.	Dec. 16.
59	Dublin,	Dublin,	Philadelphia Society and Daily Schools,	Aug. 2,	Jan. 11,	Jan. 18,	Resigned, Aug. 4.	—
—	—	—	Philadelphia Society and Daily Schools (Amended Scheme),	—	Aug. 18,	Aug. 24,	Resigned, Nov. 16.	—
—	—	—	Philadelphia Society and Daily Schools (Particular Amended Scheme),	—	Nov. 25,	Dec. 8,	Feb. 25,*	Aug. 8.
60	Donegal,	Tullyderry and Buncrana,	Tullyderry and Buncrana Schools,	Aug. 2,	Feb. 8,	Feb. 11,	1886. April 16.	1886.
61	Fermanagh,	Lisnaskea,	Local School,	Aug. 2,	Feb. 8,	Feb. 11,	April 16.	July 8.
62	Dublin,	Dublin,	St. Peter's School and Mrs. Wragg's School (General Scheme),	Aug. 2,	Mar. 6,	Feb. 11,	April 16.	July 8.
63	Londonderry,	Dundrum,	Landed T.D.R. School,	Aug. 2,	Feb. 8,	Feb. 11,	April 16.	July 8.
64	Antrim,	Antrim,	Royal School,	—	—	—	—	—
65	Tyrone,	Dungannon,	Royal School,	—	—	—	—	—
66	Fermanagh,	Keshcullen,	Royal School,	—	—	—	—	—
67	Cavan,	Cavan,	Royal School,	—	—	—	—	—
68	Donegal,	Letterkenny,	Royal School,	—	—	—	—	—
69	Donegal,	Donegal,	The Robertson Endowment,	June 4,	April 16,	May 1,	April 16.	Oct. 16.
70	Antrim,	Logos,	Greenstreet National School,	June 4,	April 16,	May 1,	July 16.	Oct. 16.
71	Cork,	Cork,	High School for Girls,	June 4,	April 16,	June 8,	Aug. 16.	Oct. 16.
72	—	Ballymena,	The Ballymena Factory School (General Scheme),	June 4,	April 16,	May 5,	Aug. 16.	Oct. 16.
73	Dublin,	Dublin,	The Royal Irish Academy of Music and the Orpheus Institute,	June 4,	April 16,	May 5,	July 16.	Oct. 16.
74	Londonderry,	Londonderry,	Londonderry Agricultural Institution,	June 4,	April 16,	May 5,	Resigned, Aug. 16.	—
—	—	—	Londonderry Agricultural Institution (Amended Scheme),	—	Aug. 18,	Aug. 24,	Sept. 16.	Dec. 16.

\* Left in the Tables of both Houses of Parliament, April 20, 1885.

TABLE L—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme	Endowment.			Draft Scheme first published	Scheme agreed by Local Com- municants	Scheme published by the Local Council in Council	Scheme pre- viously agreed by Local Government in Council	Scheme finally agreed by Local Government in Council
	County.	Locality.	Name.					
12.			The Church of Ireland Victoria Jubilee Fund (General Scheme).	1888. July 2.	1893. April 24.	1898. May 1.	1898. July 21.	1898. Oct. 14.
13.	Limerick.	Limerick.	The Villiers' Charitable Institution.	July 2.	June 21.	July 4.	Oct. 18. 1898. 1898.	Dec. 14. 1898. 1898.
14.	Armagh.	Ballymoney.	Gap's Free School.	July 2.	Dec. 21.	Dec. 21.	Dec. 19. 1898. 1898.	Jan. 19. 1898. 1898.
15.	=	=	The Ballymoney Academy.	July 2.	Dec. 21.	Dec. 21.	Mar. 10. 1898. 1898.	June 3. 1898. 1898.
16.	Tipperary.	Crossmol.	Crossmol Grammar School.	July 2.	Aug. 22. 1898.	Aug. 21. 1898. 1898.	Dec. 19. 1898. 1898.	Sept. 18. 1898. 1898.
17.	EDDING.	Kilberry.	Kilberry College.	Aug. 13.	June 21.	Jaa. 10.	Rejected. May 10.	—
	=	=	Kilberry College (General Scheme).	—	Aug. 22.	Aug. 21.	Oct. 24.	Dec. 11.
18.	Cork.	Cork.	Cork Parochial Schools, Orphan-Dail Hospital, Cork Grammar School, and Entwistle's Charity (General Scheme).	Aug. 21.	June 21.	July 4.	Oct. 22.	Jan. 18.
19.	Laois-Berry.	Hughenden.	Elizabet's Hospital.	Aug. 21.	Jan. 21.	Jan. 18.	May 10. <sup>a</sup>	—
	=	=	Elizabet's School and Girls' Industrial (General Scheme).	—	June 21.	1898. 1898.	1898. 1898.	1898.
20.	Kilkenny.	Thomastown.	Parochial School.	Aug. 18.	April 26.	May 1.	Aug. 16. 1898. 1898.	Oct. 10.
21.	Armagh.	Armagh.	The Dromkeeney, Mill, and Cullenstown Schools, and "Patricia Kirkpatrick's School Fund."	Aug. 21.	April 24.	May 1.	Aug. 16. 1898. 1898.	Oct. 10.
22.	Down.	Holywood.	The Colloone Schools.	Aug. 13.	April 21.	May 1.	Aug. 16. 1898.	Oct. 10.
23.	Cork.	Cork.	The Rochelle Seminary.	Aug. 11.	April 26.	May 1.	July 22. 1898.	Oct. 10.
24.	Waterford.	Woolerford.	Stephens-Green School.	Mar. 18.	June 21.	July 4.	Oct. 16.	Dec. 11.
25.	Limerick.	Limerick.	Baileborough Road School (General Scheme).	Mar. 21.	—	—	—	—
26.		District of Meath.	The Parochial schools of the District of Meath; and the Preston School, Navan (General Scheme).	Mar. 21.	June 21.	Jan. 18.	May 10. 1898.	Jan. 8.
27.	Meath.	Glasnevin.	The Glens Schools.	Mar. 21.	Dec. 4.	Dec. 12.	Rejected. May 10.	1898. —
28.	=	=	The Glens Schools (General Scheme).	—	Aug. 13.	Aug. 18.	Nov. 13.	May 4.
29.	Offaly.	Clog.	Hawthorn's School (General Scheme).	Mar. 21.	Aug. 11.	Aug. 14.	Dec. 14.	Mar. 20.
30.			The Presbyterian Orphan Society of Ireland (General Scheme).	Mar. 21.	June 21.	June 21.	Aug. 16. 1898.	Oct. 10.
31.	Tipperary.	Cashel.	Cashel Corporation School Endowment.	April 21.	Jan. 11.	Jan. 18.	May 10. 1898.	Aug. 8.
32.	=	=	Cashel Deaconess Schools.	April 21.	Jan. 21.	Jan. 18.	May 10. 1898.	Aug. 8.
33.	Antrim.	Kearse.	Earne Grammar School (General Scheme).	April 21.	—	1898. 1898.	1898. 1898.	—
34.	Cork.		The Munster Dairy School and Agricultural Institute.	April 21.	Dec. 2.	Dec. 4.	Feb. 24. 1898. 1898.	May 10. 1898. 1898.
35.	Derry.	Ballymena.	The Larkey School Endowment.	May 21.	Aug. 17.	Aug. 22.	Nov. 13.	Feb. 26.
36.		Fransh-	The Larkey School Endowment.	May 21.	—	1898. 1898.	1898. 1898.	—
37.	Cork.	Cork.	St. Stephen's Hospital (General Scheme).	May 21.	Dec. 21.	Dec. 24.	Mar. 18.	June 2.
38.			—	1898. 1898.	1898. 1898.	1898. 1898.	—	—
39.	District of Cork, Clonak-	Kinsale.	The Parochial Schools of the Districts of Cork, Clonakilty, and Kinsale, and Bishop Crowe's Schools, Clonakilty (General Scheme).	May 21.	Jan. 2.	Jan. 18.	May 10. 1898. 1898.	Aug. 8.
40.	Cork.	Kinsale.	The Southgate Street Endowment.	May 21.	Dec. 18.	Dec. 21.	Mar. 18.	June 2.
41.	Westmeath.	Roscommon.	The St. John's Charity (General Scheme).	June 21.	Nov. 21.	Dec. 12.	Mar. 1.	May 10.

<sup>a</sup> Left in the Table of both Houses of Parliament, July 24, 1892. Scheme partially agreed by Committee of the House of Commons.

See Jno. 1, 1892.

Left in the Table of both Houses of Parliament, January 26, 1893.

These Schemes have been digitised by the University of Southampton Library Digitisation Unit.

TABLE I.—DEBUT SONGS already published, with the stages through which each Song has passed—continued.

Number of Publication	Editions etc.			Date of publication	Editions claimed by Judicial Committee	Editions published by Lord Lieutenant in Counties	Editions finally approved by Lord Lieutenant in County	Editions finally approved by Government in County
	Copy	Lead Up	State					
10	Bromsgrove, -	Rights,	Bishop Seddon's Diocesan School.	1898, June 26	1898, Dec. 5,	1898, Mar. 3,	1898, May 15	1898, May 15
11			The Bishop Seddon's Diocese of Lichfield Non-Subscribing Presbyterians and other Free Christians (General Schools).	June 26,	1898, 2,	1898, 1,	1898, May 15	1898, May 15
12	Tyburn, -	Business,	The Methodist Assembly.	1898, 26,	1898, Sept. 11, 1898,	1898, Oct. 29, 1898,	1898, Dec. 21, 1898,	1898, Mar. 14, 1898,
13			The Methodist General Society for Ireland in connection with The Presbyterian Church (General Schools).	June 26,	1898, 6,	1898, 16,	1898, May 15,	1898, May 15
14		Business of Forces,	The Parochial Schools of the Diocese of Peterborough (General Schools).	Aug. 16,	1898, June 14,	1898, June 15,	1898, May 15,	1898, Aug. 1,
15	Brown, -	Brougham Park,	The Standard County and the Parochial Schools (General Schools).	Aug. 16,	1898, Aug. 21,	1898, June 26,	1898, May 15,	1898, Aug. 1,
16		Presbytery of Bishopsgate,	The Instruments of and belonging to Corporation named because of the Presbytery of Bishopsgate (General Schools).	Aug. 16,	1898, April 16,	1898, April 20, 1898,	1898, July 16, 1898,	1898, Oct. 10,
17	Bishop of Llandaff,		The Presbytery of Wales of the Diocese of Llandaff (General Schools).	Aug. 16,	1898, April 16,	1898, June 24,	1898, May 15,	1898, June 1,
18	Bishop of Loughlin,		The Instruments of and belonging to Corporation named because of the Presbytery of Loughlin (General Schools).	Aug. 16,	1898, April 16,	1898, June 24,	1898, May 15,	1898, June 1,
19	Bishop of Ross,		The Instruments of and belonging to Corporation named because of the Presbytery of Ross (General Schools).	Aug. 16,	1898, April 16,	1898, June 24,	1898, May 15,	1898, June 1,
20	Derry,	The Arts,	Zionist Society's Endowments.	Aug. 16,	1898, Sept. 9,	1898, Dec. 14,	1898, May 15,	1898, May 15
21		Ardscoil,	The Ardscoil Endowments.	1898, April 26,	1898, Sept. 28,	1898, Oct. 7,	1898, Dec. 15,	1898, Mar. 2,
22	Down,	Ballynahinch,	PPBents' School.	April 26,	1898, Sept. 28,	1898, Oct. 7,	1898, Dec. 15,	1898, Mar. 2,
23	Brown,	Broughshane,	The Broughshane Free schools.	April 26,	1898, Sept. 28,	1898, Oct. 7,	1898, Dec. 15,	1898, Mar. 2,
24			The Broughshane Free Schools Endowed Schools.	—	1898, April 26,	1898, Aug. 8,	1898, Sept. 15,	—
25		Presbytery of Dromore,	The Instruments of and belonging to Corporation named because of the Presbytery of Dromore (General Schools).	April 26,	1898, Nov. 22,	1898, Nov. 26,	1898, Dec. 15,	1898, Mar. 2,
26		Presbytery of Down,	The Instruments of and belonging to Corporation named because of the Presbytery of Down (General Schools).	April 26,	1898, Nov. 22,	1898, Nov. 26,	1898, Dec. 15,	1898, Mar. 2,
27	Wexford,	Carlow,	The Carlow Royal School Endowments.	April 26,	1898, Aug. 21,	1898, Sept. 1,	1898, December 11,	—
28			The Dungourney Royal School Endowments (General Schools).	—	1898, April 26,	1898, May 9,	1898, July 21,	1898, Sept. 2,
29	Westmeath,		Arthur Smith's Orphanage (General Schools).	April 26,	1898, Nov. 22,	1898, Dec. 16,	1898, Jan. 15,	1898, Mar. 2,
30	Elders,	Dublin,	Parochial School (General Schools).	April 26,	1898, Sept. 28,	1898, Oct. 7,	1898, Dec. 15,	1898, Mar. 2,
31	Bishop of Armagh,		The Parochial Schools of the Diocese of Armagh (General Schools).	April 26,	1898, Aug. 21,	1898, Aug. 20,	1898, Dec. 15,	1898, Mar. 2,
32	Bishops of Down, Connor, and Dromore,		The Parochial Schools of the Diocese of Down, Connor, and Dromore (General Schools).	Aug. 4,	1898, Nov. 8,	1898, Dec. 1,	1898, Feb. 15,	1898, April 4,
33			The Diocese Schools and Broughshane Royal School Endowments (General Schools).	Aug. 4,	1898, April 26,	1898, May 9,	1898, December 15,	—
34			The Diocese Schools and Broughshane Royal School Endowments (General Schools).	—	1898, Feb. 27,	1898, Mar. 8,	1898, March 10,	—
35			* The Diocese Schools and Broughshane Royal School Endowments (General Schools).	—	1898, June 26,	1898, July 13,	1898, June 16,	—
36	Parochial, Londonbridge, Birmingham,		The Ark Hall Endowments.	Aug. 4,	1898, Sept. 21,	1898, Sept. 8,	1898, Dec. 15,	1898, Feb. 28,
37	Ardagh,	Belfast,	The Belfast Society and Society for promoting Knowledge.	Aug. 4,	1898, Sept. 8,	1898, Dec. 15,	1898, Feb. 15,	1898, Mar. 2,
38		Bishop of Ardagh,	The Parochial Schools of the Diocese of Ardagh (General Schools).	Aug. 4,	1898, Sept. 8,	1898, Sept. 2,	1898, Dec. 15,	1898, Mar. 2,
39	Brennan,	Bishopst.	The Bishopst. Endowments for Technical Education.	Aug. 4,	1898, Sept. 8,	1898, Sept. 9,	1898, Dec. 15,	1898, Mar. 2,
40			The Trinity Endowment.	Aug. 4,	1898, April 26,	1898, May 8,	1898, Dec. 15,	—
41			17th Lamp Endowment (General Schools).	—	1898, July 24,	1898, Aug. 2,	1898, Dec. 15,	1898, April 15,

#### **\* Behavior and Future Possibilities**

**† Balaam said before Thutmose, January 18, 1350.**

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme	Name of Scheme.		Draft Scheme first published.	Scheme submitted by Judicial Commissioners.	Scheme first presented to the Local Government Council.	Scheme subsequently accepted by Local Government Council.	Scheme finally approved by Local Government Council.
	County.	Locality.					
39		District of Clogher.	The Presbyterian Schools of the District of Clogher (General Scheme).	Aug. 6, 1881. Aug. 17, 1882.	1881. Aug. 26, 1882.	1881. Nov. 19, 1882.	1882. Feb. 16.
40		Presbytery of Cappelshane.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cappelshane (General Scheme).	Aug. 4, 1882. Nov. 25, 1882.	1882. Nov. 18, 1882.	1882. Feb. 21.	1883. May 4.
41	Antrim.	Belfast.	High Street Hopsfe Hallmark (General Scheme).	Aug. 4, 1882. Dec. 22, 1882.	1882. Dec. 11, 1882.	1882. Mar. 9, 1883.	1883. May 24.
42	Derry.	Bengor.	Bengor National School.	1882. Dec. 12, 1882.	1882. Jan. 25, 1883.	1882. April 21, 1883.	1883. July 13.
43	Wexford.	Wexford.	The Tide School.	Dec. 10, 1882. 2003.	1882. Jan. 20, 1883.	1882. April 21, 1883.	1883. July 10.
44	Antrim.	Ballymena.	Brown Street Sunday and Daily Schools, Belfast.	Dec. 12, 1882. Aug. 21, 1883.	1882. Sept. 3, 1883.	1882. Nov. 12, 1883.	1883. Feb. 16.
45		District of Derry.	The Presbyterian Schools of the District of Derry (General Scheme).	Dec. 12, 1882. Nov. 18, 1882.	1882. Dec. 5, 1882.	1882. Feb. 14, 1883.	1883. May 6.
46	Antrim.	The Rossie Presbytery.	The Endowments of and belonging to Congregations under the care of the Rossie Presbytery (General Scheme).	Dec. 12, 1882. Dec. 21, 1882.	1882. Dec. 21, 1882.	1882. Mar. 8, 1883.	1883. May 24.
47		District of Kilkeel and Ardglass.	The Presbyterian Schools of the Districts of Kilkeel and Ardglass (General Scheme).	Dec. 12, 1882. Jan. 19, 1883.	1882. Jan. 19, 1883.	1882. April 21, 1883.	1883. July 19.
48	Cork.	Mallow.	Mallow National School.	Mar. 8, 1883. Sept. 11, 1883.	1883. Sept. 21, 1883.	1883. Dec. 21,	1884. Mar. 18.
49	Wexford.	New Ross.	John Tracy's School.	Mar. 8, 1883. Jan. 20, 1884.	1883. Jan. 20, 1884.	1883. April 21, 1884.	1884. July 13.
50	Donegal.	Killybegs.	The Killybegs Schools.	Mar. 8, 1883. Sept. 11, 1883.	1883. Sept. 21, 1883.	1883. April 21, 1884.	1884. July 13.
51		District of Killone.	The Parochial Schools of the District of Killone (General Scheme).	Mar. 8, 1883. April 19, 1883.	1883. May 2, 1883.	1883. May 2, 1883.	1883. June 11.
52	Cork.	Kinsale.	The Southern School Endowment, Kinsale (General Scheme).	Mar. 8, 1883. April 10, 1883.	1883. May 2, 1883.	1883. July 21.	1884. Sept. 16.
53	Cork.	Clydefield.	The Gandon Endowments.	Mar. 8, 1883. Jan. 2, 1884.	1883. Jan. 2, 1884.	1883. June 21, 1884.	1884. Aug. 27.
54	North, County Dublin.	—	The Preston Endowment, for the Preston School, Maritz, the Helymore Endowed School, and St. John's Hospital, Omagh.	—	1884. April 16, 1884.	1884. April 20, 1884.	1884. Oct. 9.
55	—	—	The Preston Endowment, for the Preston School, Maritz, the Helymore Endowed School, and St. John's Hospital, Omagh.	—	1884. April 16, 1884.	1884. July 18.	1884. Oct. 9.
56	Antrim.	Belfast.	The Endowments of and belonging to "Dundonald Presbyterian Church," and the Henry Martley Missionary Charity (General Scheme).	April 16, 1884. Dec. 20, 1884.	1884. Dec. 24, 1884.	1884. Mar. 8, 1885.	1885. May 14.
57	Wexford.	Co. Wexford.	The Duthi Past Endowment.	April 16, 1884. Dec. 2, 1884.	1884. Dec. 2, 1884.	1884. Feb. 24,	1884. May 23.
58	Laois.	Newtown.	The Edmund Endowed School.	April 16, 1884. Jan. 21, 1885.	1884. Jan. 21, 1885.	1884. March 21,	1885.
59		Presbytery of Cavan.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan (General Scheme).	April 16, 1884. Jan. 21, 1885.	1884. Jan. 21, 1885.	1884. April 21, 1885.	1885. July 13.
60		Presbytery of Armagh.	The Endowments of and belonging to Congregations under the care of the Presbytery of Armagh (General Scheme).	April 16, 1884. April 16, 1884.	1884. May 2, 1884.	1884. July 21.	1885. Sept. 18.
61	Louth.	—	The Leigh Charities (General Scheme).	April 16, 1884. Jan. 21, 1885.	1884. Jan. 21, 1885.	1884. March 21,	1885.
62	—	—	The Leigh Charities (General Scheme).	—	1884. July 13,	1884. Oct. 21,	1884. Jan. 16.
63	Antrim.	Belfast.	The Robert Natural History and Philosophical Society.	May 16, 1884. Dec. 18, 1884.	1884. Dec. 18, 1884.	1884. April 26,	1884. Aug. 16.
64		Presbyterian Church.	The Endowments of and belonging to Congregations under the care of the Presbyterian Church of Cavan (General Scheme).	May 16, 1884. July 16, 1884.	1884. Aug. 2, 1884.	1884. Dec. 18,	1884. Mar. 18.
65		Presbytery of Tyrone.	The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone (General Scheme).	May 16, 1884. June 18, 1884.	1884. June 18, 1884.	1884. Sept. 21,	1884. Dec. 17.
66	Dublin.	Dublin.	The General Orphan Home Endowment.	May 16, 1884. Feb. 27, 1885.	1884. Mar. 5, 1885.	1884. May 8,	1885. July 13.
67	Antrim.	Parish of Downpatrick.	John Tracy's Endowment, Ballynahinch.	May 16, 1884. Jan. 19, 1885.	1884. Jan. 19, 1885.	1884. April 21,	1885.
68	County and County Dublin.	—	The Charleville Endowment.	June 16, 1884. July 11, 1884.	1884. July 11, 1884.	1884. Sept. 16,	1885. Oct. 22.
69	Wexford and Loughrea.	Dublin.	The Catholic University School of Medicine (General Scheme).	June 16, 1884. Dec. 18, 1884.	1884. Dec. 18, 1884.	1884. Mar. 5,	1885. May 26.
70	Wexford and Loughrea.	Presbytery of Clogher.	The Charleville Charity.	June 16, 1884. Oct. 26, 1884.	1884. Oct. 26, 1884.	1884. Dec. 24,	1885. May 26.
71		—	The Endowments of and belonging to Congregations under the care of the Presbytery of Clogher (General Scheme).	June 16, 1884. Dec. 15, 1884.	1884. Dec. 15, 1884.	1884. Mar. 5,	1885. May 26.

TABLE I.—DRAFT SCHEMES already published, with the stages through which such Schemes have passed—continued.

Number of Scheme	Endowment.			Draft Scheme first published	Schemes agreed by Juries of Endowments	Scheme published by the Commission or Unesco	Scheme preliminarily approved by Local Authorities in General	Scheme fully approved by Local Authorities in General
	County.	Locality.	Name.					
117	Dublin.	Diocese of Dublin.	The Pastoral Schools of the Diocese of Dublin (General Scheme).	1951, June 26.	1952, July 26.	1952, Aug. 3.	1952, Dec. 16.	1952, Jan. 26.
118	Dublin.	Enniscorthy.	The St. Brigid's Endowment.	Aug. 18,	Oct. 9,	Oct. 9,	—	—
119	Wexford.	Parties of Sligo & Galway, Diocese of Raphoe.	The Revd. Michael Woods' Endowment.	Aug. 18,	Jan. 26,	Jan. 26,	April 21,	July 21.
120	Wexford.	Kilmore.	The Pastoral Schools of the Diocese of Raphoe (General Scheme).	Aug. 18,	—	—	—	—
121	Offaly.	Kilcormac.	The Kilcormac School and Pastoral Endow- ment.	1951, Feb. 26.	1951, Feb. 26.	1951, Sept. 26,	1952, —	1952, —
122	Protestant Denomination.	Portlaoise.	Endowments of and belonging to the Protes- tant Church under the care of the Presbytery of Portlaoise (General Scheme).	Feb. 26,	1951, Feb. 26.	1951, June 26,	1952, Aug. 26,	1952, Nov. 4.
123	Protestant Denomination.	Derry.	Endowments of and belonging to the Protes- tant Church under the care of the Presbytery of Derry (General Scheme).	Feb. 26,	June 26,	June 26,	Aug. 26,	Nov. 4.
124	Galway.	Loughrea.	The Lyons Endowment.	Feb. 26,	June 26,	June 26,	Aug. 26,	Nov. 4.
125	Monaghan.	Monaghan.	The Pastoral Schools of the Diocese of Monaghan (General Scheme).	Feb. 26,	May 11,	May 11,	June 26,	July 21.
126	Donegal.	Glenties.	The Roalded Endowment.	May 16,	Oct. 9,	Oct. 9,	Dec. 16,	Jan. 26.
127	Donegal.	Carrickfinn.	Endowments of and belonging to Parishes under the care of the Presbytery of Carrickfinn (General Scheme).	Feb. 26,	July 26,	Aug. 3,	Oct. 16,	Dec. 21.
128	Armagh.	Armagh.	The Dr. John, Wolf, and Dugdale, Adair, Ardagh, and Tyrone Religious Armagh Lectures Fund (preliminary scheme).	Mar. 21,	June 26,	June 26,	April 21,	July 21.
129	Protestant Denomination.	Co. Cork.	Endowments of and belonging to Parishes under the care of the Presbytery of Cork (General Scheme).	Mar. 21,	June 26,	June 26,	April 21,	July 21.
130	Diocese of Limerick.	Scattery.	The Scattery Academic Institution (pre- liminary scheme).	Mar. 21,	June 26,	June 26,	April 21,	July 21.
131	Diocese of Ardfert and Aghadoe.	Orb.	The Pastoral Schools of the United Dioceses of Ardfert and Aghadoe (General Scheme).	Mar. 21,	—	—	—	—
132	City, Co. Cork, & Diocese of Cloyne, Clyde, and Tulla.	Cork.	The City of Cork Pastoral Schools, and Cork, Cloyne, and Ross Pastoral Schools (Supplementary General scheme).	Mar. 21,	July 26,	Aug. 3,	Oct. 16,	Jan. 26.
133	Galway.	Ballydehob.	The Vicarage Elizabeth's Endowment.	Mar. 21,	1951, Aug. 26.	1951, Aug. 26,	1952, —	—
134	Tyrone.	Warren.	The Kenmare Pastoral Endowment.	Mar. 21,	—	—	—	—
135	Antrim.	Ballymoney.	The Crosson Endowment.	Mar. 21,	Sept. 11,	Sept. 11,	Oct. 16,	Nov. 21.
136	Londonderry.	Londonderry.	The Endowment of and belonging to the First Free Presbyterian Church, in the City of Londonderry.	Mar. 21,	Sept. 21,	Sept. 21,	Oct. 21,	Dec. 21.
137	Diocese of Down, Louth, and Connor.	Coleraine.	The Pastoral Schools of the United Dioceses of Down, Louth, and Connor (General Scheme).	May 16,	1951, July 26.	1951, July 26,	May 16,	July 21.
138	Elphin.	Elphin.	The Elphin Endowment.	May 16,	Aug. 26,	Aug. 26,	Oct. 16,	—
139	Trinity.	Roscommon.	The Franklin Twaddell School.	Aug. 15,	July 26,	July 26,	Sept. 16,	Dec. 21.
140	Louth.	Drumcliffe.	The George Bliss School.	Aug. 15,	Oct. 9,	Oct. 9,	Dec. 16,	Jan. 26.
141	Protestant Denomination.	Tipperary.	The Kilkenny Endowment under the care of the Presbytery of Tipperary (General Scheme).	Aug. 15,	Aug. 26,	Aug. 26,	July 26,	Oct. 16.
142	Ards.	Ballynahinch.	The Ballynahinch Pastoral School.	Aug. 15,	July 26,	July 26,	Oct. 16,	Dec. 21.
143	Dublin.	Dublin.	The Dublin Presbyterian Kirkpatrick Schools.	Aug. 15,	July 26,	July 26,	Oct. 16,	Dec. 21.
144	Diocese of Cloyne.	Brennan.	The St. Louis Almshouse Endowment.	Aug. 15,	1951, July 17.	1951, July 17.	Sept. 16,	Dec. 21.
145	Leitrim.	Ballymoe.	The Ballymoe School and Victoria Endow- ment.	Aug. 15,	Sept. 11,	Sept. 11,	Oct. 16,	Dec. 21.
146	Protestant Denomination.	Ballymoe.	The Kildare Endowment under the care of the Presbytery of Kildare (General Scheme).	Aug. 15,	July 26,	July 26,	Oct. 16,	Dec. 21.
147	Sligo.	Drumshanbo.	The Sligo Pastoral Schools (General Scheme).	Aug. 15,	1951, Nov. 16.	1951, Nov. 16.	Dec. 16,	Jan. 26.
148	Leitrim.	Leitrim.	The St. Brigid's School and Victoria Endow- ment.	Aug. 15,	Sept. 11,	Sept. 11,	Oct. 16,	Dec. 21.
149	Protestant Denomination.	Drumshanbo.	The Pastoral Schools of the City of Dublin and neighbourhood: the Rathkeale School; the British Workmen's and other Endowments in the City of Dublin (General Scheme).	Aug. 15,	July 26,	Aug. 3,	Oct. 16,	Dec. 21.
150	Sligo.	Drumshanbo.	—	Aug. 15,	1951, Nov. 16.	1951, Nov. 16.	Dec. 16,	Jan. 26.

\* These Schemes have been dropped.

† Schemes dropped = Disputed. Greencoloured not agreed.  
Blackmarked with Scheme No. 147, margin.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme	Reference.			Draft Scheme first published	Scheme adopted by General Assembly	Scheme first published in General Assembly	Scheme presented by Board of Education in Council	Scheme finally passed by Earl Ulster and Council
	County	Locality	Name					
128	Bush,	—	Chesneth's Charly and Neeson's Charly.	1891.	1892.	1892.	1892.	1894.
129	—	Presbytery of Limerick.	The Endowments of and belonging to Congregations under the care of the Presbytery of Limerick (General Scheme).	Dec. 12.	Oct. 8.	Oct. 8.	June 19. 1893.	Aug. 21.
130	Dublin,	Ballynahinch.	Methodist Tabernacle Sunday and Daily schools.	Dec. 13.	July 17.	July 17.	Presented, Oct. 20. 1891.	Jan. 14.
131	Derry,	Braeside.	The Hibernian Academy or Ballymacashell, Ballymacashell, and Ballymacashell.	—	Nov. 11.	Nov. 11.	—	—
132	Monaghan,	Carrickmacross.	The Threavey Weymouth School Carrickmacross.	Dec. 26.	1894.	1894.	Oct. 30.	—
133	Quar,	Portaferry.	The Presbyterian Schools Lisburn.	Dec. 18.	(ARM) Amended with Scheme 1892.	—	—	—
134	Antrim,	Broughshane.	The Broughshane School.	Dec. 23.	1894.	1894.	—	—
135	—	Presbytery of Tandragee.	The Endowments of and belonging to Congregations under the care of the Presbytery of Tandragee (General Scheme).	Dec. 23.	Aug. 11.	Aug. 11.	Sept. 14.	Dec. 16.
136	Dublin City,	—	Lord's Charly and Garrison's Charly.	Jan. 16.	Oct. 2.	Oct. 2.	Nov. 14. 1894.	Jan. 21. 1895.
137	—	Presbytery of Glenshane.	The Endowments of and belonging to Congregations under the care of the Presbytery of Glenshane (General Scheme).	Jan. 21.	Aug. 11.	Aug. 11.	Oct. 20.	—
138	—	Presbytery of Kildangan.	The Kildangan Schools under the care of the Presbytery of Kildangan (General Scheme).	Jan. 21.	Aug. 11.	Aug. 11.	—	1894.
139	Tyrone,	Cashel.	The Edmund Huskisson, Cashel.	Jan. 26.	Nov. 11.	Nov. 11.	1894.	April 15. 1895.
140	Dublin City,	—	The Almoners College and Almoners School—Assisting Schools.	Jan. 22.	June 18.	June 18.	Aug. 20. 1893.	May. 4.
141	—	Presbytery of Coleraine.	The Endowments of and belonging to Congregations under the care of the Presbytery of Coleraine (General Scheme).	Feb. 16.	Dec. 1.	Dec. 1.	1894.	—
142	Belfast City,	—	The Belfast Model School and Technical school—Assisting Schools.	Feb. 26.	June 18.	June 18.	Aug. 21.	1895. May. 5.
143	—	—	The Presarial Schools of the Diocese of Armagh—Assisting Schools.	Feb. 26.	July 11.	Aug. 2.	Oct. 20.	1894.
144	Cork,	Ballymore.	The Ballymore Ulsterian School—Assisting schools.	Feb. 26.	June 18.	June 18.	Aug. 20.	1894. May. 4.
145	Dublin,	Brook,	The Brooks Borough Schools—Assisting Schools.	Feb. 26.	June 18.	June 18.	Aug. 20.	May. 2.
146	Dublin City,	—	The McDonald Penrose Gothic Schools—Assisting Schools.	Feb. 26.	July 11.	July 11.	Sept. 20.	Dec. 24.
147	—	Presbytery of Omagh.	The Endowments of and belonging to Congregations under the care of the Presbytery of Omagh (General Scheme).	Feb. 26.	Dec. 1.	Dec. 1.	1894. Feb. 24.	May 26.
148	—	Presbytery of Donegal.	The Endowments of and belonging to Congregations under the care of the Presbytery of Donegal (General Scheme).	Feb. 26.	Nov. 11.	Nov. 11.	1894.	April 15.
149	Ulster,	—	Parson's Purse's Endowment.	Feb. 26.	1894. Aug. 26. 1895.	1894. Aug. 26. 1895.	Oct. 20. 1893.	— 1893.
150	Dublin City,	—	Hoyne's School, Corkishan—Assisting Schools.	Mar. 18.	July 11.	July 11.	Sept. 20.	Dec. 13.
151	Dublin City,	College.	The Carrs School—Assisting Schools.	Mar. 18.	July 11.	July 11.	Sept. 20. 1894.	Dec. 13. 1895.
152	—	Conwal.	Bearsted's Apprenticefield Road, Castle.	Mar. 18.	Sept. 11.	Sept. 11.	Sept. 20. 1894.	April 14.
153	—	Presbytery of Enniskillen.	The Endowments of and belonging to Congregations under the care of the Presbytery of Enniskillen—District Assisting Schools.	Mar. 18.	Nov. 11.	Nov. 11.	Dec. 14.	April 15.
154	—	Presbytery of Dublin.	The Endowments of and belonging to Congregations under the care of the Presbytery of Dublin—District Assisting Schools.	Mar. 18.	July 11.	Aug. 2.	1894. Oct. 20.	Dec. 14.
155	—	Presbytery of Rathfriland.	The Rathfriland Endowments, and other Endowments in the Diocese of Raphoe—District Assisting Schools.	Mar. 18.	Dec. 1.	Dec. 1.	1894. Aug. 27.	Nov. 4.
156	—	Diocese of Raphoe.	The Raphoe Endowments, and other Endowments in the Diocese of Raphoe—District Assisting Schools.	Mar. 18.	July 11.	Aug. 2.	1894. Oct. 20.	Jan. 14.

\* Amended with Scheme No. 147, supra.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme	Description,			Draft Scheme first published,	Scheme agreed by Judicial Commissioners,	Scheme finalised by the Lord Lieutenant in Council	Scheme presented to Parliament in Council	Scheme finally approved by Parliament in Council
	County	Locality	Name					
146	Kerry,	—	The Catholic Apprenticeship Fund, Killarney.	1908, Mar. 16.	1908, Mar. 3.	1908, Mar. 16.	1908, Mar. 16.	1908, Mar. 16.
147	Waterford,	Waterford.	The Queen's Blue Ribbon, Clap-Jones, Waterford.	Mar. 16,	Mar. 16.	Mar. 16.	Mar. 16,	Mar. 16.
148	Wexford,	Ballygogue,	The Standard Lodge Schools, Ballygogue.	Mar. 16,	Mar. 16,	Mar. 16.	Mar. 16,	Mar. 16.
149	—	—	The Standard Lodge Schools, Ballygogue (General scheme).	—	July 20,	Aug. 7,	Oct. 24,	1908, Dec. 24.
150	—	Prosterny of Arrough.	The Endowments of and belonging to the Prosterny of Arrough (Catholic Schools).	Mar. 16,	Mar. 16,	Mar. 16,	Mar. 16,	1908, May 31.
151	Louth,	Glenane,	The Glenane Parochial School, Co. Louth.	Mar. 16,	Mar. 16,	Mar. 16,	Mar. 16,	1908, May 31.
152	Dublin,	Dublin,	Church of Ireland Training College and The European Institute—General Accounting Scheme.	Mar. 16,	Sept. 21,	Sept. 21,	Mar. 16,	1908, April 21.
153	Dublin,	Dublin,	Church of Ireland Training College, and Glasnevin-Place Academy—Circular Schools, Limerick.	—	Mar. 16,	Mar. 16,	Mar. 16,	—
154	Burn,	Ballywood,	The Ballywood Schools, Ballywood—Accounting Scheme.	Mar. 16,	July 21,	Aug. 7,	Oct. 26,	1908, Jan. 31.
155	Tyrone,	Grilly,	The Grillys Endowment, Parish of Agartah.	April 20,	Mar. 15,	Mar. 15,	1908,	1908, —
156	—	Prosterny of Donegal.	The Endowments of and belonging to the Prosterny of Donegal (Catholic Schools).	April 20,	Sept. 11,	Sept. 11,	Mar. 16,	1908, —
157	Dublin,	Dublin,	The School for educating Daughters of the Holy Clergy (General scheme).	April 20,	Dec. 1,	Dec. 1,	Feb. 16,	1908, May 31.
158	Antrim,	Crusoe,	The Crusoe National School, Crusoe.	April 20,	Aug. 26,	Aug. 26,	Sept. 16,	—
159	—	Prosterny of Belfast.	The Endowments of and belonging to the Prosterny of Belfast (General scheme).	April 20,	Dec. 1,	Dec. 1,	Feb. 16,	1908, May 31.
160	Dublin,	Dublin,	The Donegal Schools, in connection with the Galway Correspondence Coll. & Co., Stephen's Green, Dublin (General scheme).	April 20,	Nov. 11,	Nov. 11,	Mar. 16,	1908, July 31.
161	Antrim,	Ballymena,	The Ballymena Primary and Tully Schools, Ballymena—Accounting Scheme.	April 20,	July 21,	Aug. 7,	Oct. 16,	1908, Jan. 31.
162	Burn,	—	Joseph Brown's Endowment, St. Anne— Accounting Scheme.	May 16,	Sept. 11,	Sept. 11,	Dec. 16,	1908, Jan. 31.
163	Down,	Grangeley,	The Culverhouse School and the Allon Endow- ment, Grangeley.	May 16,	Oct. 28,	Oct. 28,	1908,	—
164	Antrim,	Larne,	The Kildalkey Endowments, Larne (Gen- eral scheme).	May 21,	Dec. 18,	Dec. 18,	—	—
165	Antrim,	Mid-Antrim,	The Cragh School and McNaught Endow- ment.	May 21,	Dec. 3,	Dec. 3,	Feb. 16,	1908, May 31.
166	—	Prosterny of Antrim.	The Endowments of and belonging to the Prosterny of Antrim (General scheme).	July 4,	Dec. 3,	Dec. 3,	Feb. 16,	1908, May 31.
167	Dublin,	Dublin,	St. Peter's School, and Lower Strand School, Dublin—General Accounting Scheme.	Aug. 16,	Nov. 11,	Nov. 11,	Jan. 16,	1908, April 15.
168	—	Diocese of Meath.	The Parental Schools of the Diocese of Meath, and other Endowments in the Di- ocese; and the Ardaghian Correspondence and the Parental Free of Advance— Accounting Schemes.	Aug. 14,	Jan. 25,	Jan. 25,	April 16,	1908, July 31.
169	All Ireland,	—	The Newbridge Society for promoting Protestant Schools in Ireland.	Aug. 14,	Jan. 20,	Feb. 1,	May 16,	1908, July 31.
170	Louth,	Londonderry,	George's Chapel, Londonderry, and Joseph Young's Endowments—General Accounting Scheme.	Aug. 21,	Dec. 18,	—	1908,	—
171	—	Prosterny of Down.	The Endowments of and belonging to the Prosterny—General Accounting Scheme.	Aug. 21,	Sept. 11,	Sept. 11,	Jan. 16,	1908, July 31.
172	—	Prosterny of Derry.	The Endowments of and belonging to the Prosterny—General Accounting Scheme.	Dec. 1,	Jan. 25,	Jan. 25,	April 16,	1908, July 31.
173	—	Diocese of Down, and Derry, and Down, and Dromore.	The Fermanagh Schools of the Diocese of Down, and Derry, and Down and Dromore—General Accounting Scheme.	Oct. 7,	Aug. 26,	Aug. 26,	Feb. 16,	—
174	Monaghan,	—	The Justice Endowments, Monaghan.	Oct. 7,	—	—	—	1908, —
175	—	Prosterny of Clogher.	The Endowments of and belonging to the Prosterny—General Accounting Scheme.	Oct. 7,	Aug. 26,	Aug. 26,	Feb. 16,	—
176	—	Diocese of Cork, Clare, and Limerick.	The Parental Schools of the Diocese of Cork, Clare, and Limerick—Further Amend- ed Scheme.	1908, April 16,	Aug. 26,	Aug. 26,	Feb. 16,	—
177	Tipperary,	Waterford City,	The Clonmel Parochial Endowments (General Scheme).	April 16,	Aug. 26,	Aug. 26,	Feb. 16,	1908, —
178	—	—	The Partial Schools of St. Nicholas Waterford, and St. Laurence, Dublin (General Scheme).	Aug. 16,	Dec. 16,	—	—	—

5 Time Schemas here have dropped.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of those Institutions from fees, subscriptions, and other sources.

No.	Endowment.			Value of Valued Properties.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Honor and Estate.	From Trust Funds.		
1	Dublin.	—	Hanover Old Thorough Schools.	£ 2,000 0 0	£ 200 0 0	—	—	£ 300 0 0
2	Dublin.	—	Hanover New Borough Schools.	200 0 0	—	—	120 0 0	320 0 0
3	—	Dublin.	Church of Ireland Training College.	120 0 0	—	78 10 0	1,000 0 0	1,000 0 0
4	—	Cork.	Morgan's School.	20 0 0	720 0 0	0 0 0	—	720 0 0
5	—	—	Moore's School (Limerick) (approx.)	—	—	—	—	—
6	—	—	MacClellan Female Orphan School.	60 0 0	—	312 10 0	312 10 0	312 10 0
7	—	—	Rathfarnham Parochial School.	24 0 0	—	—	—	—
8	—	—	Clonlack Parochial School.	24 0 0	—	0 0 0	—	24 0 0
9	—	Dublin.	General-emp Presbyterian Church Endowments.	60 0 0	810 0 0	316 0 0	55 10 0	600 0 0
10	Antrim.	Ballymena.	Wesleyan-church Schools.	100 0 0	350 0 0	—	100 0 0	350 0 0
11	—	—	Ulster Society for the Education of the Poor and Destitute and the Blind.	400 0 0	—	1,610 0 0	3,000 12 0	3,000 12 0
12	—	—	St. Patrick's Orphaned Girls' School.	30 0 0	—	—	280 0 0	—
13	Dublin.	—	St. Patrick's Hospital Schools.	10 0 0	—	—	—	400 0 0
14	—	—	Knight's Hospital School.	30 0 0	78 0 0	—	—	—
15	—	—	Henry Nelson University.	—	20 0 0	—	—	—
16	—	—	Alexander College.	310 0 0	310 0 0	—	7,010 16 18	8,000 0 0
17	—	—	Alexander Hospital.	—	—	—	4,000 15 17	—
18	Antrim.	Ballymena.	Ulsterian Marine Society.	120 0 0	400 17 12	300 0 0	20 10 0	1,000 0 0
19	Loughs.	Larne.	Walsh's Industrial School.	20 0 0	—	360 0 0	100 0 0	360 0 0
20	Dublin.	—	National Association for the Education of the Deaf and Dumb.	100 0 0	300 0 0	300 0 0	100 0 0	7,000 0 0
21	Antrim.	Ballymena.	Boys' Industrial Agricultural Institution.	100 0 0	312 0 0	312 0 0	70 14 0	800 10 0
22	—	—	Macmillan College.	100 0 0	714 10 0	710 0 0	4,000 21 0	7,000 0 0
23	Down.	Lisburn.	Priory School.	60 0 0	—	250 10 0	120 10 0	—
24	—	—	Howard School.	17 0 0	38 0 0	40 0 0	0 0 0	50 10 0
25	—	—	Blawcock School.	9 10 0	—	17 10 0	0 0 0	—
26	Dublin.	Dublin.	Herbert Talbot School.	10 0 0	300 0 0	30 0 0	—	300 0 0
27	Monaghan.	Monaghan.	Collegiate School.	—	—	—	300 0 0	300 0 0
28	Londonderry.	Coleraine.	Academy of Institution.	100 0 0	—	30 0 0	1,200 0 0	1,200 0 0
29	Antrim.	Lisburn.	National Institute.	21 0 0	—	0 0 0	—	21 0 0
30	—	Ballymena.	Ladies' Industrial School.	100 0 0	30 0 0	30 0 0	100 0 0	100 0 0
31	Londonderry.	Londonderry.	Huges College.	200 0 0	—	3,000 0 0	417 0 0	3,200 0 0
32	—	—	Gwyn's Charitable Institution.	200 0 0	60 10 0	3,000 20 0	—	3,000 20 0
33	—	—	Young Industrial.	—	—	400 0 0	—	—
34	—	—	Oregan School.	20 20 0	—	—	—	20 20 0
35	Dublin.	Dublin.	Dublin Working Boys' Home.	60 0 0	—	—	870 0 0	1,200 0 0
36	—	—	Starling Institution.	—	—	310 0 0	—	—
37	—	—	Bertie's Female Orphan School.	60 0 0	654 0 0	10 0 0	—	715 0 0
38	Antrim.	Ballymena.	Bellist Academy.	200 0 0	70 0 0	—	1,000 0 0	2,000 0 0
39	Dublin.	Dublin.	Philadelphia Sunday and Daily Schools.	10 0 0	0 0 0	160 10 0	0 0 0	320 10 0
40	Donegal.	Tuam.	Tuam and Ballinasloe Schools.	10 10 0	—	250 10 0	—	300 0 0
41	Fermanagh.	Dungannon.	Meek School.	10 0 0	60 0 0	—	40 0 0	50 0 0
			Capital Reserve.	4,000 10 0	4,000 10 0	10,200 2 0	30,000 24 0	40,200 10 0

\* Endowed Schools Trust which do not come into the hands of the Governing Body, but are paid directly to the Masters.

† Estimate of Master's Endowments at £12,000 per Year (Robinson Hall).

‡ Estimates of remunerative Endowments not yet taken into account.

§ £100 a year will be available when a life aged 25 drops, and a further sum of £100 a year when a life aged 35 drops.

TABLE II.—ENDOWMENTS of the several institutions for which Draft Returns have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

Serial No. of Insti-	Endowment,			Valuation of National Properties,	Annual Income of Endowment,		Value Income from Post, Patronages and other Sources,	Total Amount of the Property to be administered in each year under Return.
	County.	Locality.	Name.		From Houses and Land.	From Trust Funds.		
			Brought forward,	£ 6,612	£ 6,612	0	£ 6,612	£ 6,612
21	Dublin.	Dublin.	H. Peter's Schools,	4,000 10 2	4,000 10 2	0	10,000 1 0	32,000 14 1
			Mrs. Wragg's School,	28 0 0	120 17 0	22 22 0	218 8 1	61,521 12 2
22	Londonderry.	Culmore.	Lanehill Hill School,	—	—	380 0 0	—	380 0 0
	Armagh.	Armagh.	Royal School,	594 0 0	1,111 0 0	56 2 00	56 2 00	660 0 0
	Tyrone.	Dungannon.	Royal School,	172 0 0	1,000 11 0	46 6 2	46 6 2	1,128 6 2
24	Fermanagh.	Enniskillen.	Royal School,	290 0 0	2,038 16 0	240 7 7	240 7 7	2,329 2 11
	Cavan.	Cavan.	Royal School,	18 10 0	237 16 0	36 36 0	36 36 0	278 3 0
	Donegal.	Enniskeal.	Royal School,	28 0 0	411 2 7	—	411 2 7	440 2 7
25	Monaghan.	—	The Robertson Endowments,	35 0 0	—	437 0 0	—	437 0 0
26	Armagh.	Lurgan.	Queen-street National School,	18 5 0	—	—	49 9 0	49 9 0
27	Cork.	Cork.	High School for Girls,	48 0 0	—	—	1,128 0 0	1,128 0 0
28	—	Ballymena.	The Battlemente Library School,	49 0 0	—	—	1,202 0 0	1,202 0 0
29	Dublin.	Dublin.	The Royal Irish Academy of Music,	116 0 0	30 0 0	250 7 11	5,028 38 0	5,386 14 2
	Londonderry.	Londonderry.	The Connor Endowment,	—	—	479 16 0	—	479 16 0
31	Wexford.	Wexford.	The Church of Ireland Victoria Jubilee Fund,	131 0 0	—	—	10,304 0 0	10,304 0 0
32	Limerick.	Limerick.	Villiers' Charitable Institutions,	271 0 0	232 10 1	774 0 0	774 0 0	1,216 7 1
33	Waterford.	Waterford.	Gly's Free School,	48 0 0	—	84 0 0	—	132 0 0
34	Tipperary.	Glentworth.	The Holymount Academy,	44 0 0	—	—	80 0 0	80 0 0
35	Clare.	Clare.	Clarendon Hallowed School,	60 0 0	104 2 2	6 2 2	—	110 4 4
36	Meath.	Kilmaine.	Kilconey College,	49 0 0	129 4 7	—	—	129 4 7
			St. Peter's Parochial School,	32 0 0	8 4 7	—	—	32 0 0
			St. John's Parochial School,	0 0 0	—	—	180 0 0	180 0 0
			St. Mary's Hospital Parochial School,	30 0 0	—	60 0 0	11 0 0	76 1 0
			St. Nicholas' Parochial and Industrial Schools,	26 0 0	—	172 33 6	1,001 15 18	1,273 18 6
37	Cork.	Cork.	St. Prior's Parochial Schools,	93 15 0	96 15 0	108 16 7	4—	—
			Cathol. Church Parochial Schools,	66 0 0	19 0 0	6 0 0	27 18 0	27 18 0
			Green Coat Hospital,	120 0 0	120 0 0	4 12 0	4—	—
			Grennan School,	48 0 0	—	—	800 0 0	800 0 0
			Brechin's Charity,	220 10 0	148 0 0	77 18 0	—	—
38	Londonderry.	Maghera.	Ballymena Royal School,	182 0 0	131 10 0	—	80 0 0	233 10 0
39	Offaly.	Theastown.	Parochial School,	4 18 0	—	8 1 0	20 0 0	21 1 0
			The Duleek School,	54 0 0	211 18 4	—	—	—
40	Armagh.	Armagh.	The Mill School,	53 0 0	55 7 0	—	18 0 0	71 7 0
			The College-street Schools,	8 0 0	—	—	—	8 0 0
			Private Education's Loan Fund,	—	—	10 3 0	—	10 3 0
41	Down.	Ballynahinch.	The Sullivan School,	68 0 0	—	445 0 0	809 0 0	1,098 0 0
42	Cork.	Cork.	The Rossetti Seminary,	130 0 0	—	84 52 4	1,200 4 2	1,438 21 0
			Carried forward,	6,612 4 7	15,588 21 0	36,105 15 2	58,818 0 10	73,379 24 3

\* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† The fees are paid directly to the masters, with the exception of the sum for Modern Languages, which was received by the Secretary, who sent it a year to the Modern Languages Master.

‡ Rev'd. Mr. King, the present master, holds his post under Diocesan Scholasticaster under Irish Church Act, 1845.

§ Remained, the school-house not appearing in valuation books.

TABLE II.—ENDOWMENTS on the several Institutions for which Draft Schemes have been published with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Institutions	Endowment.		Valuation of School Trustees.	Annual Income of Endowments		Trustee Income from Fees, Subscriptions, and other Sources.	Total Amount of the Property to be administered in each year under Scheme.		
	District.	Township.		Name.	From Houses and Lands.				
				Brought forward,	£ 1,031 4 7	£ 11,330 11 1	£ 16,129 22 2	£ 10,218 8 10	£ 22,375 18 2
11	Waterford.	Waterford.		Hopkins-school School,	34 0 0	—	—	—	34 0 0
12	Limerick.	Limerick.		Rathkeale-road School,	—	—	—	—	[Scheme dropped.]
13		District of Manah.		The Parochial Schools of the District of Manah.	239 0 0	24 14 6	238 10 0	23,000 0 0	2,982 13 8
14	North.	Oldcastle.		The Preston School, Kavan.	238 0 0	208 0 0	213 1 7	—	2,055 1 0
15	Kildare.	Glasnevin.		The Glass Schools,	25 0 0	—	708 4 0	638 17 0	638 17 0
16		Glasnevin.		Hawthorn School,	25 0 0	214 18 0	14 0 4	60 0 0	60 0 0
17				The Presbyterian Orphan Society of Ireland.	50 0 0	80 0 0	5,000 0 0	12,200 0 0	12,200 0 0
18	Tipperary.	Cashel.		Cashel Corporation Relief Endowments.	84 0 0	128 0 0	—	—	84 0 0
19	=	=		Cashel Cemetery Schools,	10 0 0	27 0 0	80 15 16	8 0 0	80 17 0
20	Ardagh.	Larne.		Larne Grammar School,	—	—	—	—	[Scheme dropped.]
21	Cork.	=		The Model Dairy School and Agricultural Institute.	414 25 8	—	15 0 0	190 17 0	190 17 0
22	Donegal.	Devenish.		The Lally School Endowments,	—	—	47 1 16	—	47 1 16
23		Presbytery of Derry.		The Endowments of and belonging to Congregations under the care of the Presbytery of Derry.	60 0 0	—	50 0 0	—	120 0 0
24	Cork.	Cork.		St. Stephen's Hospital,	65 0 0	622 21 18	22 0 0	—	624 21 18
25		District of Cork, Courcey, and Bally.		The Parochial Schools of the Districts of Cork, Courcey, and Bally.	2,430 0 0	49 0 0	123 7 16	5,800 0 0	5,822 0 0
26	Cork.	Kinsale.		Dishop-Crown School, Courcey,	10 0 0	255 0 19	16 0 0	—	255 0 19
27	Westmeath.	Enfield.		The Sandwell School, Kilmac-	5 10 0	12 0 0	—	—	12 0 0
28	Roscommon.	Sligo.		The Child Charity,	6 18 0	60 0 0	—	255 0 0	212 0 0
29				Dublin, Hodson, Grammar School,	8 0 0	160 0 0	—	46 0 0	172 0 0
30				The Orphan Society of the Association of Irish Non-conformist Presbyterians and other Free Christians.	—	—	89 12 0	294 0 10	902 61 10
31	Tyrone.	Bethany.		The Bethesda Academy,	38 0 0	—	—	—	38 0 0
32				The Belfast School Society for Ireland in connection with the Presbyterian Church,	—	—	92 17 6	496 39 0	627 18 0
33		District of Ferman.		The Parochial Schools of the District of Ferman.	2159 0 0	58 0 0	48 12 0	1,946 0 0	1,939 56 0
34	Down.	Ballynahinch.		The Southwell Charity,	180 0 0	31 0 0	308 12 0	—	308 12 0
35		Presbytery of Ballymag.		The Parochial Schools,	88 0 0	—	—	750 0 0	750 0 0
36		District of Lisburn.		The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymag.	216 0 0	—	—	2400 0 0	450 0 0
37		District of Leitrim.		The Parochial Schools of the District of Lisburn.	249 0 0	38 0 0	123 1 1	120 0 0	457 1 1
38		District of Leitrim.		The Parochial Schools of the District of Leitrim.	1,066 0 0	1 0 0	8 20 0	281 18 0	402 18 0
				Brought forward,	£ 3,946 4 1	£ 11,330 1 0	£ 15,007 22 0	£ 10,218 10 0	£ 199,705 6 0

\* The school fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† The fees not include farm produce.

‡ Estimated.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources  
—continued.

No. of Scheme	Endowment.			Value of School Premises.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions, and other Sources.	Total Amount of the Property to be administered in each year under Scheme.			
	County.	Locality.	Name.		From						
					Houses and Lands.	From Trust Funds.					
39			Brought forward,	4,550 0 7	16,120 1 8	17,000 12 0	10,200 10 8	180,710 0 0			
40		Presbytery of Derrybridge.	The Endowments of and belonging to Congregations under the care of the Presbytery of Derrybridge.	50 0 0	20 10 0	—	00 10 0	145 0 0			
41	Down.	The Ards.	Joseph Brown's Endowment.	—	27 10 0	30 10 0	—	810 0 0			
42	—	Antrim.	The Antrim Endowed School.	11 10 0	—	30 10 0	—	40 0 0			
43	Carlow.	Ballyholt.	Ballyholt's School.	20 0 0	—	35 10 10	—	115 10 10			
44	Down.	Dungaduff.	Mosst Alexander School.	12 0 0	—	18 0 0	00 10 0	180 14 0			
45			Admiral Leslie Free School.	120 0 0	—	81 0 0	40 10 0	180 14 0			
46		Presbytery of Ballymena.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena.	495 0 0	—	—	1000 0 0	915 0 0			
47		Presbytery of Down.	The Endowments of and belonging to Congregations under the care of the Presbytery of Down.	16 10 0	—	—	810 0 0	115 10 0			
48	Wicklow.	Cayford.	The Cayford Royal School Endowment.	12 0 0	160 10 0	15 10 0	—	180 2 0			
49	Wexford.	—	Arthur Smith's Charity.	—	180 0 0	—	—	180 0 0			
50	Kildare.	Ballynac.	Parochial School.	1 10 0	—	4 0 0	—	8 1 0			
51	Dioce. of Armagh.	Diocese of Armagh.	The Parochial Schools of the Diocese of Armagh	500 0 0	—	—	900 0 0	500 0 0			
52	Dioce. of Down, Connor, and Dromore.	Diocese of Down, Connor, and Dromore.	The Parochial Schools of the Diocese of Down, Connor, and Dromore.	1980 0 0	125 0 0	120 0 0	1600 0 0	1,180 10 0			
53	—	—	The Diocesan Schools Endowment.	30 0 0	20 0 0	40 4 0	—	—			
54	King's.	Banagher.	Banagher Royal School Endowment.	—	2800 0 0	—	—	280 4 0			
55	Donegal.	—	The Anns Hall Endowment.	6 10 0	—	120 2 0	—	180 17 0			
56	Londonderry.	—	—	—	—	—	—	—			
57	Roscommon.	—	—	—	—	—	—	—			
58	Antrim.	Belfast.	The Belfast Library and Society for promoting Knowledge.	—	—	—	714 4 0	714 4 0			
59	Dioce. of Ardagh.	—	The Parochial Schools of the Diocese of Ardagh.	24 10 0	3 0 0	—	270 10 0	260 0 0			
60	Limerick.	Limerick.	The Limerick Retirement for Teachers' Education.	32 0 0	—	180 0 0	—	180 0 0			
61	"	"	The Leamy Endowment.	100 0 0	—	200 7 0	—	200 7 0			
62	Dioce. of Clogher.	—	The Parochial Schools of the Diocese of Clogher.	120 0 0	30 0 0	16 10 7	—	120 10 7			
63	Presbytery of Cavan, Monaghan, and Fermanagh.	—	The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan, Monaghan, and Fermanagh.	20 10 0	—	—	521 4 0	481 14 0			
64	Antrim.	Belfast.	Hugh Henry Boyd's Endowment.	—	654 7 0	100 0 0	—	440 14 0			
65	Down.	Bangor.	Bangor Endowed School.	44 0 0	—	16 10 0	—	70 10 0			
66	Wexford.	Wexford.	The Tate School.	44 0 0	—	214 0 0	36 0 0	214 10 0			
67	Antrim.	Belfast.	Brown Street Sunday and Daily School, Belfast.	72 4 0	38 0 0	—	150 0 0	920 4 0			
68	Dioce. of Derry.	—	The Parochial Schools of the Diocese of Derry.	90 0 0	—	—	400 0 0	920 0 0			
			Carried forward,	3,016 10 1	38,858 10 0	50,500 11 7	10,341 5 1	180,837 10 0			

\* The School Fees do not reach the hands of the Governing Body, but are paid directly to the masters.

† Estimated.

‡ Endowments at present applied in payment of a debt to the Treasury.

§ Estimated value of Magdalene Female National School.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Schools	Endowment.			Valuation at Market Price.	Annual Income of Endowment			Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Endow. and Lands.	From Trust Funds.			
26	The Estate Presbytery.	Broughshane,	Brayford School,	£ 0,028 15 1	£ 0,005 15 2	£ 0,000 00 0	—	—	£ 0,000 00 0
26	The Estate Presbytery.	The Endowments of and belonging to Congregations under the care of the Estate Presbytery.	—	£ 104 4 0	—	—	—	£ 104 4 0	£ 104 4 0
14	Diocease of Kilkeny and Askeaton.	The Parochial Schools of the Diocease of Kilkeny and Askeaton.	—	£ 10 0 0	—	—	—	£ 10 0 0	£ 10 0 0
16	Cork.	Middleton.	Middleton Meadow School,	£ 0 0 0	£ 0 0 0	£ 0 0 0	—	—	£ 0 0 0
16	Wexford.	New Ross.	John Ivory's School,	£ 2 7 0	£ 0 0 0	—	—	—	£ 2 7 0
17	Down.	Rathfriland.	The Rathfriland Schools,	£ 10 0 0	£ 0 0 0	—	—	—	£ 10 0 0
18	Diocease of Kilmore.	The Parochial Schools of the Diocease of Kilmore.	—	—	—	—	—	—	—
19	Cork.	Kinsale.	The Southwell Royal Patronage, Kinsale (Supplemental Scheme).	—	—	—	—	—	—
20	Cork.	Clonakilty.	The Crotown Endowment,	£ 0 0 0	£ 0 0 0	—	—	—	£ 0 0 0
21	Queen's.	—	The Queen's Endowment for Ballymena.	£ 0 0 0	£ 0 0 0	£ 0 0 0	—	—	£ 0 0 0
22	Antrim.	Belfast.	The Endowments of and belonging to Tuaranagh Street Presbyterian Church.	£ 24 0 0	£ 0 0 0	—	—	£ 24 0 0	£ 24 0 0
23	Belfast.	—	The Henry Morris Jubilee Charity.	—	—	£ 0 0 0	—	—	—
24	Wexford.	Newtown- Curry.	The Ulith Paul Endowment,	£ 1 18 0	£ 0 0 0	£ 0 0 0	—	—	£ 1 18 0
25	Londonderry.	—	The Lisburn Endowed School,	£ 0 0 0	£ 0 0 0	—	—	—	£ 0 0 0
26	Presbytery of Carrickfergus.	The Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus.	£ 0 0 0	£ 0 0 0	—	—	£ 0 0 0	£ 0 0 0	
27	Presbytery of Antrim.	The Endowments of and belonging to Congregations under the care of the Presbytery of Antrim.	—	—	—	—	—	—	—
28	Louth.	—	The Leigh Charity,	—	£ 0 0 0	—	—	—	£ 0 0 0
29	Antrim.	Belfast.	The Belfast Natural History and Philosophical Society,	£ 0 0 0	£ 0 0 0	£ 0 0 0	—	—	£ 0 0 0
30	Presbytery of Down.	The Endowments of and belonging to Congregations under the care of the Presbytery of Down.	—	—	—	—	—	—	—
31	Presbytery of Tyone.	The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone.	—	—	—	—	—	—	—
32	Dublin.	Dublin.	The General Orphan Home Endowment,	—	£ 0 0 0	£ 0 0 0	—	—	£ 0 0 0
33	Antrim.	Parish of Bansha.	John Sharp's Endowment, Belfast.	—	—	£ 0 0 0	—	—	£ 0 0 0
34	Cork and Limerick.	Charterville.	The Charterville Endowment,	—	£ 0 0 0	—	—	—	£ 0 0 0
35	Dublin.	Dublin.	The Catholic University School of Medicine,	£ 0 0 0	—	£ 0 0 0	—	—	£ 0 0 0
36	West and Longford.	—	The Charlton Charity,	—	—	—	—	—	—
37	Presbytery of Clogher.	The Endowments of and belonging to Congregations under the care of the Presbytery of Clogher.	£ 1 0 0	£ 0 0	£ 0 0 0	£ 0 0 0	—	£ 1 0 0	£ 1 0 0
38	Diocese of Down.	Downey.	£ The Parochial Schools of the Diocese of Downey.	£ 100 0 0	—	—	—	£ 100 0 0	£ 100 0 0
39	Down.	Furness.	The Banks Endowment,	£ 1 15 0	—	£ 0 0 0	—	—	£ 1 15 0
40	Diocese of Dromore.	—	The Rev. Michael Ward's Endowment,	—	£ 0 0 0	£ 0 0 0	—	—	£ 0 0 0
41	Diocese of Elphin.	—	The Parochial Schools of the Diocese of Elphin.	—	—	—	[Scheme suspended]	—	—
			Carried forward,	£ 10,870 5 0	£ 17,618 3 0	£ 90,268 19 0	£ 45,296 13 0	£ 113,884 16 0	

\* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† Particulars given at Scheme No. 67.

‡ Estimated.

xxii EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.  
TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated incomes of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme	Reference.			Valuation of Held Funds,	Annual Income of Institution		Yearly Income from Fees, Subscriptions and other Sources,	Total Amount of the Property in its hands intended in next year under Scheme.
	County.	Locality.	Name.		Fees Hire and Lands,	From Trust Funds,		
181	Kilkenny.	Kilkenny.	Brought forward, The Kilkenny School and Tewkesbury Endowment.	£ 6. 6. 10,000 5. 8	£ 2. 2. 6. 17,345 5. 5	£ 6. 6. 6. 32,386 12. 2	£ 10,000 12. 2	£ 10,000 12. 2
182	Presbytery of Kilkenny.		The Endowments of and belonging to Congregations under the care of the Presbytery of Kilkenny.	—	—	£ 1. 1. 4.	0. 0. 0	44 11. 4
183	Presbytery of Limerick.		The Endowments of and belonging to Congregations under the care of the Presbytery of Limerick.	—	—	—	—	—
184	Limerick.	Loughrea.	The Loughrea Endowment.	£ 10. 0. 0	£ 100 0. 0	—	—	200 0. 0
185	Diocease of Tulla.		The Parochial Schools of the Diocease of Tulla.	£ 5. 10. 0	£ 10. 0. 0	£ 4. 2. 0	£ 1. 0. 0	£ 1. 11. 0
186	Kossemore,	Cork.	The Cossemore Endowment.	—	—	—	—	35 2. 2
187	Presbytery of Cork.		The Endowments of and belonging to Congregations under the care of the Presbytery of Cork.	£ 100 0. 0	—	—	40 0. 0	120 0. 0
188	Arranagh.	Arranagh.	The Arranagh Hall and Colle- ge-schools, Arranagh, and Private Holdings of Arranagh Land (Supplemental Scheme).	—	—	—	—	—
189	Presbytery of Cork.		The Endowments of and belonging to Congregations under the care of the Presbytery of Cork.	£ 101 10. 1	£ 1. 16. 0	20 0. 0	—	100 11. 1
190	Londonderry.	Columba.	The Columba Academic Institution (Supplemental Scheme).	—	—	—	—	—
191	Cork City and Diocese of Cork, Cloyne and Ross.		The City of Cork Parochial Schools, and Cork, Cloyne, and Ross, Parochial Schools (Sup- plemental Scheme).	—	—	—	—	—
192	Louth.	Dundalk.	The Thurles Limerick's Endow- ment.	—	£ 8. 2. 1	£ 8. 0. 0	—	£ 4. 0. 1
193	—	—	The Brinsford Endow- ment.	—	—	—	[Scheme dropped.]	—
194	Armagh.	Ballymoney.	The Crumlin Endowment.	—	—	£ 1. 16. 0	—	£ 1. 16. 0
195	Londonderry.	Londonderry.	The Endowments of and belonging to the West-Berry Presby- terian Church, in the City of Londonderry.	—	—	—	270 0. 0	270 0. 0
196	Diocease of Down, Glen- dalough and Raphoe.	Kilkeel.	The Parochial Schools of the United Dioceses of Down, Glen- dalough, and Raphoe.	£ 500 0. 0	£ 28 1. 0	£ 60 22. 8	£ 300 0. 0	£ 300 10. 10
197	Kilkenny.	Hinckley.	The Hinckley Endowment School.	—	—	37 0. 0	—	37 0. 0
198	Dublin.	Hinckley.	The Hinckley Technical School.	£ 100 0. 0	—	—	—	100 0. 0
199	Louth.	Senghenny.	The Dringford Blue School.	—	10 0. 0	£ 0. 24. 0	£ 10 0. 0	£ 10 0. 0
200	Presbytery of Raphoe.		The Endowments of and belonging to Congregations under the care of the Presbytery of Raphoe.	£ 100 0. 0	—	—	20 2. 1	20 2. 1
201	Antrim.	Ballymoney.	The Ballymoney Parochial School.	—	—	10 12. 8	—	10 12. 8
202	Dublin.	Dublin.	The Dublin Protestant Refor- matory Schools.	—	—	—	—	—
203	Diocease of Clerkenwell, Newmarket.		The Holden Endowment.	£ 0. 0. 0	£ 100 0. 0	—	£ 0. 0. 0	£ 100 0. 0
204	Cork.	Dromana.	The St. Leger Aldworth Endow- ment.	—	£ 12. 0	—	—	£ 12. 0
205	Limerick.	Dromana.	The Dromana School and Warren Endowment.	£ 1. 0. 0	—	£ 0. 0. 0	—	£ 1. 0. 0
206	Presbytery of Lislettrahy.		The Endowments of and belonging to Congregations under the care of the Presbytery of Lislettrahy.	—	—	10 4. 0	£ 100 17. 0	100 17. 0
207	Dublin.	Dublin.	The Parochial Schools of the City of Dublin and neighbour- hood; the Ralph Martin Endow- ment; the Grattan Endow- ment; and other Endowments in the City of Dublin.	—	—	—	—	—
		Total.	—	£ 5,127 20. 6	£ 6,000 7. 2	£ 31,200 14. 7	£ 10,437 0. 4	£ 10,437 0. 4

\*School Fees do not come into the hands of the Governing Body, but are paid directly to the Teachers.

†Particular given at Scheme, No. 16, supra.

‡Particular given at Scheme, Nos. 17 and 18, supra.

§Endowment £100 being expected to fail.

¶Particular given at Scheme, No. 18, supra.

\*\*Estimated.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published with the estimated Income of those Institutions from fees, subscriptions, and other sources—continued.

No. of Institutions	Endowment.			Valuation of School Property.	Annual Income of Endowment.		Trusty Income from Fees, Subscriptions and other Sources.	Total Amounts of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From House and Lands.	From Trust Funds.		
			Brought forward, . . .	£ 6,616 13 19 2	£ 6,300 7 7 9	£ 1,816 14 7	£ 1,437 9 4	£ 18,133 10 10
23	Meath,	—	Cherwell's Charity and Scrope's Charity.	—	£1 13 10	—	—	£6 14 4
24	—	Presbytery of Limerick.	The Endowments of and belonging to Congregations under the care of the Presbytery of Limerick.	1 9 0	—	—	0 4 0	20 4 0
25	Dublin,	Estates.	Rathdown Township Building and Duty Schools.	£61 8 0	—	—	£18 17 0	200 17 0
			Rathdown Township Building and Duty Schools (Accrued Balance).					
26	Donegal,	Donegal.	The McGehee Endowment for Bellanassagh, Ballaghaderreen, and Ballinagh.	10 19 0	—	£1 4 0	£1 8 0	106 14 0
27	Monaghan,	Carrickmacross.	The Vincent Weymouth School, Carrickmacross.	24 10 0	—	£8 0 0	0 10 0	112 0 0
28	Queen's,	Portadown.	The Portadown Endowed School.		Calculated in Scheme	187.1		
29	Antrim,	Dungannon.	The Dungannon School.	1 0 0	—	—	—	2 0 0
30	—	Presbytery of Tandragee.	*The Endowments of and belonging to Congregations under the care of the Presbytery of Tandragee.	£62 0 0	—	£18 1 0	£20 0 0	879 0 0
31	Dublin City,	—	Lords' Charity and Caroline's Charity.	—	£84 0 19	200 16 0	—	202 19 0
32	—	Presbytery of Glendalough.	The Endowments of and belonging to Congregations under the care of the Presbytery of Glendalough.	90 0 0	8 0 0	—	18 0 0	809 0 0
33	—	Presbytery of Strabane.	The Endowments of and belonging to Congregations under the care of the Presbytery of Strabane.	18 0 0	—	—	—	18 0 0
34	Tyrone,	Gortin.	The Gortin Endowment, Gortin.	45 0 0	£17 1 0	—	—	82 8 0
35	Dublin City,	—	The Almshouse College and Almshouse School—Accruing Income.	—	—	—	—	—
36	—	Presbytery of Cavan.	The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan.	£100 10 0	—	—	50 10 0	151 8 0
37	Belfast City,	—	The Ulster Hospital, Belfast, and Philadelphia Building Accruing Income.	—	—	—	—	—
38	—	—	The Parochial Schools of the Diocese of Armagh—Accruing Income.	4 0 0	—	—	£40 0 0	44 0 0
39	Cork,	Ballydehob.	The Ballydehob Fishery School—Accruing Income.	—	—	—	—	—
40	Dublin,	Swede.	The Swede Borough Schools—Accruing Income.	—	—	—	—	—
41	Dublin City,	—	*The Methodist Parochial Orphan School—Accruing Income.	—	—	—	—	—
42	—	Presbytery of Omagh.	*The Endowments of and belonging to Congregations under the care of the Presbytery of Omagh.	£40 0 0	—	—	£180 0 0	£140 8 0
43	—	Presbytery of Donegal.	The Endowments of and belonging to Congregations under the care of the Presbytery of Donegal.	138 10 0	8 10 7	12 10 0	—	141 10 7
44	Donegal,	—	Parson Darmo's Endowment, . . .	—	28 1 0	30 0 0	—	48 0 10
			Brought forward, . . .	£18,133 10 0	£8,300 13 13	£2,130 13 0	£6,084 0 10	£22,350 13 13

\* Estimated.

† Particulars given at Scheme No. 18, infra.

‡ Particulars given at Scheme No. 22, infra.

§ Particulars given at Scheme No. 4, infra.

† Income from land and trust funds.

‡ Particulars given at Scheme No. 19, infra.

§ Particulars given at Scheme No. 1, infra.

|| Particulars given at Scheme No. 4, infra.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No.	Endowment			Valuation of School Premises,	Annual Income of Endowments		Yearly Income from Fees, Subscriptions and other Sources,	Total Amount of the Property to be subsidized in each year under Scheme.
	County.	Locality.	Name		From Hansard Table.	From First Fund.		
			Brought forward,	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
				12,687 19 9	10,600 12 11	32,118 19 9	20,784 1 19	132,629 12 11
181	Dublin City,	—	*Xenox's School, Castleknock—Amending Scheme.	—	—	—	—	—
182	Belfast City,	—	?The Orme School—Amending Scheme.	—	—	—	—	—
183	Cork,	Cork,	Brock's Apprenticeship Fund, Cork.	—	—	391 17 9	—	391 17 9
184	—	Presbytery of Buchingham.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ben- bridge—Amending Scheme.	15 0 6	—	—	10 0 0	15 0 6
185	—	Presbytery of Dublin.	The Endowments of and belonging to Congregations under the care of the Presbytery of Dublin—Amending Scheme.	—	—	—	—	—
186	—	Presbytery of Enniskillen.	The Endowments of and belonging to Congregations under the care of the Presbytery of Enniskillen.	—	—	—	—	—
187	—	Bishopric of Raphoe.	The Rutherford Endowments, and other Endowments in the Bishopric of Raphoe—Amending Scheme.	7 0 0	—	—	31 0 0	7 0 0
188	Meath,	—	The O'Conor Apprenticeship Fund, Athboy.	—	9 4 7	—	—	9 4 7
189	Waterford,	Waterford,	The Meaux Blue School, Lulu- Lane, Waterford.	4 16 6	—	11 4 9	—	19 10 2
190	Wicklow,	Ballyglass.	The Scratfield Lodge Schools, Ballyglass.	17 0 0	13 0 0	—	30 0 0	17 0 0
191	—	Presbytery of Anstruther.	The Endowments of and belonging to Congregations under the care of the Presbytery of Anstruther.	10 0 0	—	—	100 0 0	10 0 0
192	Atrim,	Glenarm,	The Glenarm Parochial School, co. Atrim.	(Balance)	not proceeded with.]			
193	Dublin,	Dublin,	?Church of Ireland Training Col- lege and Eltham-place Society —Amending Scheme.	—	—	—	—	—
194	Down,	Holywood,	The Fullerton Schools, Holywood —Amending Scheme.	—	—	—	—	—
195	Tyrone,	Colfey,	The Pettigrew Endowment, Trust of Aghelon.	—	—	8 11 8	—	—
196	—	Presbytery of Down.	The Endowments of and belonging to Congregations under the care of the Presbytery of Down.	(Balance)	not proceeded with.]			
197	Dublin,	Dublin,	The School for advancing Deaf- mutes of the Irish Clergy.	110 0 0	—	81 7 9	1,010 0 4	3,100 12 4
198	Antrim,	Carrick,	The Colvelli National School, Carrick.	11 0 0	—	—	110 0 0	11 0 0
199	—	Presbytery of Down.	The Endowments of and belonging to Congregations under the care of the Presbytery of Down.	1000 0 0	—	16 0 0	1000 0 0	100 0 0
Dublin,	Dublin,	—	The Dame Schools, in connection with the Unitarian Congrega- tion of St. Stephen's-green, Dublin.	—	43 19 9	193 1 9	—	493 11 9
Antrim,	Belfast,	—	?The Brownesford Sunday and Daily School, Belfast— Amending Scheme.	—	—	—	—	—
1	Down,	—	Wenceslaus Endowment, co. Down—Amending Scheme.	—	—	—	—	—
			Brought forward,	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
				12,687 19 9	10,600 12 11	32,118 19 9	20,784 1 19	132,629 12 11

\* Particulars given at Scheme No. 2, supra.

† Estimated as "nil."

? Particulars given at Scheme No. 2, supra.

\*\* Particulars given at Scheme No. 19, supra.

\* Particulars given at Scheme No. 21, supra.

† Estimated.

‡ Particulars given at Scheme No. 22, supra.

§ Particulars given at Scheme No. 23, supra.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Institution	Endowment.			Valuation of Total Premium	Annual Income of Endowment		Yearly Income from Fees, Subscriptions and other Sources	Total Amount of the Property to be administered for each year under Scheme
	Consp.	Locality	Name		From Houses and Lands	From Trust Funds		
			Brought forward,	£ 4,410 10 0	£ 1,791 0 0	£ 2,204 12 10	£ 2,000 12 1	£ 50,000 0 0
20	Dowr.	Greyabbey.	The Taibergy School and the Allen Endowment, Greyabbey.	£ 0 0 0	—	£ 1 1 0	£ 0 0 0	£ 1 1 0
21	Larne.	Larne.	The Kirkpatrick Endowment, Larne.	—	£ 7 0 0	—	—	£ 7 0 0
22	Aranagh.	Malahide.	The Coleragh School and McNaught Endowment.	£ 0 0 0	£ 0 2 1	—	£ 0 0 0	£ 0 0 1
23	Tadmon.	—	The North East Agricultural Association.	—	—	£ 2 0 0	£ 1 4 0	£ 30 4 0
24	—	Presbytery of Athlone.	The Endowments of and belonging to Congregations under the care of the Presbytery of Athlone.	£ 10 0 0	—	£ 6 0 0	£ 6 0 0	£ 16 0 0
25	Dublin.	Dublin.	St. Peter's Infants, and Lower-Street Infant School, Dublin—Assisting Schools.	£ 0 0 0	—	—	£ 4 16 0	£ 4 16 0
26	—	Diocese of Roscommon.	* The Parochial Schools of the Diocese of Meath and other Endowments in the said Diocese; and the Archdeaconry Endowment for the Protestant Poor of Athlone—Assisting Schools.	—	—	—	—	—
27	All Ireland.	—	The Incorporated Society for promoting Protestant Schools in Ireland.	£ 17 15 0	£ 4,699 4 0	£ 451 3 0	£ 0 0 0	£ 12,459 4 0
28	Londonderry.	Londonderry.	Gwyn's Charitable Institution and Joseph Young's Charity—Assisting Schools.	—	—	—	—	—
29	—	Presbytery of Donegal.	The Endowments of and belonging to Congregations under the care of the Presbytery of Donegal—Assisting Schools.	£ 0 0 0	—	—	£ 0 0 0	£ 0 0 0
30	—	Presbytery of Derry.	The Endowments of and belonging to Congregations under the care of the Presbytery of Derry—Assisting Schools.	—	—	—	—	—
31	—	Diocese of Down, and Connor, and Dromore.	The Parochial Schools of the Dioceses of Down and Connor, and Dromore—Assisting Schools.	£ 0 0 0	—	—	£ 0 0 0	£ 0 0 0
32	Monaghan.	Monaghan.	The Justices' Endowment, Monaghan.	—	(Schemes not presented with)	—	—	—
33	—	Presbytery of Dublin.	*The Endowments of and belonging to Congregations under the care of the Presbytery of Dublin—Assisting Schools.	—	—	—	—	—
34	—	Diocese of Cork, Cloyne, and Ross.	The Parochial Schools of the Diocese of Cork, Cloyne, and Ross—Further Assisting Schools.	—	—	£ 2 7 7	—	£ 2 7 7
35	Tipperary.	Crossan.	The Clerical Parochial Endowments.	£ 0 0 0	£ 0 4 7	£ 1 10 0	£ 0 0 0	£ 0 0 1
36	Dublin City.	—	Parochial Schools of St. Michael's Without and St. Luke's, Dublin.	£ 10 0 0	£ 0 38 0	£ 0 0 1	£ 0 0 0	£ 10 3 0
		Total,	—	£ 4,510 0 0	£ 17,409 28 10	£ 1,689 0 0	£ 2,000 0 0	£ 46,393 11 0

\*Particulars given at Scheme No. 23, supra.  
† Returned as "nil."

‡ Particulars given at Scheme No. 24, supra.

§ Estimated.

¶ Particulars given at Scheme No. 25, supra.

TABLE III.—A catalogue of all the Endowments which have been completed, or which are still pending, distinguishing between public Endowments, and Endowments from private sources, and classifying, as denominational, those Endowments which practically belong to a religious denomination exclusively, and as non-denominational, those which belong to more than one denomination, and distinguishing those Endowments which are intended for Intermediate, Elementary, and Special Education.

#### ENDOWMENTS DERIVED FROM PUBLIC SOURCES.

##### 1. For Intermediate Education.

- Scheme No. 34.—The Ulster Royal School Endowments.
- Scheme No. 19.—The Monaghan Collegiate School.
- Scheme No. 40.—The Diocesan School and Banagher Royal School Endowments.

##### 2. For Elementary Education.

- Schemes Nos. 1 and 176.—The Swords Borough Schools.
- Scheme No. 53.—The Stephen's-street School, Waterford.
- Scheme No. 83.—Caryfort Royal School Endowments.

##### 3. For Technical, Industrial, or other Special Education.

- Scheme No. 62.—The Munster Dairy School and Agricultural Institute.
- Scheme No. 94.—The Limerick Endowment for Technical Education.

#### ENDOWMENTS DERIVED FROM PRIVATE SOURCES.

##### A.—DENOMINATIONAL ENDOWMENTS.

###### 1. Connected with "The Church of Ireland."

###### a. For Intermediate Education.

- Schemes Nos. 10 and 171.—The Alexandra College and School.
- Scheme No. 45.—Kilkenny College.
- Scheme No. 163.—Viscount Weymouth's Grammar School, Currichmacross.
- Scheme No. 210.—The Incorporated Society for promoting Protestant Schools in Ireland.

###### b.—For Elementary Education.

- Scheme No. 5.—Rathney and Coolock Parochial Schools.
- Scheme No. 9.—St. Patrick's Cathedral Schools.
- Scheme No. 21.—The Nicholson Memorial School, Lisburn.
- Scheme No. 25.—Creggan School, Londonderry.
- Schemes Nos. 33 and 208.—St. Peter's Schools and Mrs. Wray's Schools, and Leeson-street Infant Schools, Dublin.
- Scheme No. 49.—Thomastown Parochial School.
- Schemes Nos. 56 and 138.—The Armagh Church Schools.
- Scheme No. 57.—Howthton's School, Clane.
- Scheme No. 65.—St. Stephen's Hospital, Cork.
- Scheme No. 87.—Ballyaux Parochial School.
- Scheme No. 121.—The Kilmaine School and Pervival Endowment.
- Scheme No. 148.—Kilkenny Subscription School.
- Scheme No. 180.—Drogheda Blue School.
- Scheme No. 182.—Bellintay Parochial School.
- Scheme No. 189.—The Mason Blue School, Waterford.
- Scheme No. 218.—The Clonmel Parochial Endowments.
- Scheme No. 219.—St. Nicholas Without and St. Luke's Parochial Schools.

###### c. For Technical, Industrial, or other Special Education.

- Schemes Nos. 2 and 193.—The Church of Ireland Training College.
- Scheme No. 41.—The Church of Ireland Jubilee Fund.
- Scheme No. 51.—Redella Seminary, Cork.

## DENOMINATIONAL ENDOWMENTS—continued.

- Scheme No. 117.—The Leigh Charity, Drogheda.  
 Scheme No. 167.—Love's Charity and Gardner's Charity.  
 Scheme No. 163.—The Dublin Protestant Reformatory.  
 Scheme No. 159.—Clews's Charity and Sharpe's Charity.  
 Scheme No. 182.—Brown's Apprenticeship Fund, Carlow.  
 Scheme No. 188.—The Cork Apprenticeship Fund, Athlone.  
 Scheme No. 197.—The Irish Clergy Daughters School.

*2. Endowments belonging to Parochial and other Schools in connection with the following Districts and Dioceses.*

- Schemes Nos. 35 and 167.—Diocese of Raphoe.  
 Schemes Nos. 47 and 142.—The City of Cork, including the Cork Grammar School.  
 Schemes Nos. 55 and 209.—Diocese of Meath, including the Preston School, Navan.  
 Schemes Nos. 66, 143, and 217.—Diocese of Cork, Cloyne, and Ross, exclusive of Cork City.  
 Scheme No. 73.—Diocese of Fermoy.  
 Scheme No. 76.—Diocese of Limerick.  
 Scheme No. 77.—Diocese of Leighlin.  
 Schemes Nos. 88 and 174.—Diocese of Armagh.  
 Schemes Nos. 89 and 214.—Diocese of Down and Connor and Dromore.  
 Scheme No. 93.—Diocese of Ardagh.  
 Scheme No. 96.—Diocese of Clogher.  
 Scheme No. 103.—Diocese of Derry.  
 Scheme No. 104.—Diocese of Kilian and Achonry.  
 Scheme No. 108.—Diocese of Killmore.  
 Scheme No. 121.—Diocese of Ossory.  
 Scheme No. 135.—Diocese of Tuam.  
 Scheme No. 147.—Diocese of Dublin, Glendalough, and Kildare.

## 3. Endowments connected with the Roman Catholic Church.

*a. For Elementary Education.*

- Scheme No. 68.—The Sisiel Charity, Rockfort Bridge.

*b. For Special Education.*

- Scheme No. 66.—Arthur Smith's Charity.  
 Scheme No. 124.—The Catholic University School of Medicine.  
 Scheme No. 154.—The Madlen Endowment, Belfast.

## 3. Endowments connected with the Presbyterian Church in Ireland.

*a. For Elementary Education.*

- Scheme No. 6.—The Ormond Quay Church Endowments.  
 Schemes Nos. 101 and 201.—The Brown Street Sunday and Daily Schools.  
 Scheme No. 112.—Townsend Street Church Endowments.  
 Scheme No. 140.—The Endowments of the First Derry Congregation.

*b. For Technical and Special Instruction.*

- Scheme No. 23.—The Magee College, Londonderry.  
 Scheme No. 58.—The Presbyterian Orphan Society.  
 Scheme No. 72.—The Sabbath School Society.

*c. Endowments belonging to Institutions under the care of the following Presbyteries.*

- Schemes Nos. 64 and 185.—Presbytery of Dublin.  
 Scheme No. 75.—Presbytery of Ballybay.  
 Schemes Nos. 78 and 184.—Presbytery of Banbridge.  
 Scheme No. 83.—Presbytery of Ballymena.  
 Scheme No. 84.—Presbytery of Newry.  
 Scheme No. 97.—Presbytery of Carrickfergus.  
 Scheme No. 103.—Presbytery of Bessie.  
 Scheme No. 115.—Presbytery of Omagh.  
 Scheme No. 116.—Presbytery of Ards.  
 Scheme No. 119.—Presbytery of Derry.  
 Scheme No. 120.—Presbytery of Tyrone.  
 Scheme No. 126.—Presbytery of Clagher.  
 Schemes Nos. 182 and 212.—Presbytery of Dromore.  
 Schemes Nos. 153 and 213.—Presbytery of Derry.

## DENOMINATIONAL ENDOWMENTS—continued.

- Scheme No. 137.—Presbytery of Comber.  
 Scheme No. 139.—Presbytery of Cork.  
 Schemes Nos. 151 and 216.—Presbytery of Rathkeale.  
 Scheme No. 157.—Presbytery of Letterkenny.  
 Scheme No. 160.—Presbytery of Limavady.  
 Scheme No. 165.—Presbytery of Templepatrick.  
 Scheme No. 168.—Presbytery of Glanmire.  
 Scheme No. 169.—Presbytery of Strabane.  
 Scheme No. 172.—Presbytery of Coleraine.  
 Scheme No. 174.—Presbytery of Omagh.  
 Scheme No. 176.—Presbytery of Donegal.  
 Scheme No. 186.—Presbytery of Rathfriland.  
 Scheme No. 191.—Presbytery of Armagh.  
 Scheme No. 199.—Presbytery of Belfast.  
 Scheme No. 207.—Presbytery of Athlone.

## 4. Endowments connected with the Methodist Church.

*a. For Intermediate Education.*

- Scheme No. 16.—The Methodist College, Belfast.

*b. For Special Education.*

- Schemes Nos. 4 and 177.—The Methodist Female Orphan School, Dublin.

## 5. Endowments connected with the Unitarian Congregation of St. Stephen's Green, Dublin.

*For Elementary and Technical Education.*

- Scheme No. 200.—The Darmer Schools.

## B—NON-DENOMINATIONAL PRIVATE ENDOWMENTS.

*a. For Intermediate Education.*

- Scheme No. 13.—Watt's Endowed School, Lurgan.  
 Scheme No. 15.—Royal Belfast Academical Institution.  
 Scheme No. 17.—Prior School, Lifford.  
 Scheme No. 18.—Merchant Tailors' School, Dublin.  
 Schemes Nos. 20 and 140.—Ceciline Academical Institution.  
 Scheme No. 25.—Belfast Royal Academy.  
 Scheme No. 37.—High School for Girls, Cork.  
 Scheme No. 40.—Londonderry Academical Institution.  
 Scheme No. 44.—Ballymena Academy.  
 Scheme No. 45.—Clement Grammar School.  
 Scheme No. 48.—Bainey's School, Magherafelt.  
 Scheme No. 69.—Bishop Hudson's Grammar School.  
 Scheme No. 71.—Strabane Academy.  
 Scheme No. 99.—Bangor Endowed School.  
 Scheme No. 100.—The School, Wexford.  
 Scheme No. 105.—Malloton Endowed School.  
 Scheme No. 106.—John Ivory's School, New Ross.  
 Scheme No. 111.—The Preston Endowment, Ballymena.  
 Scheme No. 123.—The Charleville Endowment.  
 Scheme No. 143.—The Viscount Lismore's Endowment, Dundalk.

*b. For Elementary Education.*

- Schemes Nos. 3 and 181.—Morgan's School, Castlaknock.  
 Scheme No. 7.—Stanhope-street Schools, Belfast.  
 Schemes Nos. 11 and 182.—Currie School, Belfast.  
 Scheme No. 17.—Hamard and Blackrock's Schools, Lifford.  
 Scheme No. 22.—Ladys Industrial School, Belfast.  
 Scheme No. 23.—Phibsboro Sunday and Daily Schools.  
 Scheme No. 30.—Tullyvin and Ballynahinch Schools.  
 Scheme No. 31.—Mount School, Lisnaskea.  
 Scheme No. 32.—Lowell Hill School, Killowen.  
 Scheme No. 34.—Queen-street National School, Lurgan.  
 Scheme No. 43.—Grey's Free School, Ballymena.  
 Scheme No. 55.—The Gilson Schools, Oldcastle.  
 Scheme No. 59.—Cushla Corporation School Endowments.  
 Scheme No. 60.—Cashel Dairymilk Schools.  
 Scheme No. 63.—The Leydey School, Ballymacarrett.

## B.—NON-DENOMINATIONAL PRIVATE ENDOWMENTS—continued.

- Scheme No. 97 and 108.—The Southwell Endowment, Kinsele.  
 Scheme No. 74.—The Southwell Endowment, Downpatrick.  
 Scheme No. 80.—Anakill Endowed School.  
 Scheme No. 91.—D'Israeli's School, Rathvilly.  
 Scheme No. 82.—Donguares Free Schools.  
 Scheme No. 95.—The Learny Endowments, Limerick.  
 Scheme No. 107.—Killinelly Schools.  
 Scheme No. 110.—Crefton Endowments, Clogherhead.  
 Scheme No. 113.—Urith Park Endowments.  
 Scheme No. 114.—Lisburn Endowed School.  
 Scheme No. 122.—John Sharp's Endowment.  
 Scheme No. 128.—Bank's Endowment, Eyrecourt.  
 Scheme No. 129.—Hon. Michael Ward's Endowment.  
 Scheme No. 126.—Sandford Endowment, Castlerea.  
 Scheme No. 145.—Crusade Endowment, Ballymoney.  
 Scheme No. 156.—Downall School.  
 Scheme No. 161.—Ballykinane Township Schools.  
 Scheme No. 162.—McGowen Endowment, Bangor.  
 Scheme No. 165.—Darganell School.  
 Scheme No. 170.—Edwards Endowments, Castleberg.  
 Scheme No. 189.—Persons Persons's Endowment.  
 Scheme No. 190.—The Stratford Lodge Schools, Baltinglass.  
 Scheme No. 196.—Petigrove Endowment for Orilly School.  
 Scheme No. 198.—Cronkhill School, Coonaw.  
 Scheme No. 203.—Tullysavvy School, Grey Abbey.  
 Scheme No. 204.—The Kirkpatrick Endowment, Larne.  
 Scheme No. 206.—Cahragh School and McCreight Endowment.

## y. For Technical and Special Education.

- Scheme No. 8.—Clarendon Institution, Glasnevin.  
 Scheme No. 12.—Ulster Marine Society.  
 Scheme No. 14.—Ulster Society for the Deaf and Dumb, and the Blind.  
 Schemes Nos. 24 and 211.—The Gwyn and Young Endowments, Londonderry.  
 Scheme No. 20.—Dublin Working Boys' Home and Harding Bequest.  
 Scheme No. 27.—Bectonrod French Orphan School, Dublin.  
 Schemes Nos. 38 and 175.—Baltimore Fishery School.  
 Scheme No. 50.—Royal Irish Academy of Music.  
 Scheme No. 42.—Wyllers Institutions, Limerick.  
 Schemes Nos. 61 and 194.—Sullivan's Schools, Holywood.  
 Scheme No. 70.—Orphan Society of Non-Subscribing Presbyterians, &c.  
 Schemes Nos. 12 and 202.—Joseph Brown's Endowments.  
 Scheme No. 91.—Anne Hall Endowments.  
 Scheme No. 92.—Belfast Library and Society for Promoting Knowledge.  
 Scheme No. 98.—Hugh Henry Boyd's Endowment, Belfast.  
 Schemes Nos. 118 and 173.—Belfast Natural History and Philosophical Society.  
 Scheme No. 121.—General Orphan Home Endowments.  
 Scheme No. 125.—The Charlton Endowment for Marriage Portions.  
 Scheme No. 134.—The Lyons Endowment, Loughrea.  
 Scheme No. 140.—The Pembroke Technical School, Kingsend.  
 Scheme No. 155.—The St. Leger Alaborth Endowment, Newmarket, Co. Cork.  
 Scheme No. 200.—The North-east Agricultural Association.

TABLE IV.—Endowments declared exempt from the compulsory jurisdiction of the Commission.

Province of Leinster—

City of Dublin—

The Hospital and Free School of King Charles II., O'Connell Street.  
Bohemian Female Orphan School, Upper Dorset Street.  
Christian Brothers Schools, Basin Lane.  
Girls Almshouses, Great Britain Street.  
Female Orphan House, North Circular Road.  
Pleasant's Asylum, Lower Camden Street.  
St. Brigid's Catholic Bigged Schools.  
St. Catherine's National Schools, Mount Street.  
St. James's National School, Basin Lane.  
St. Michael's National School, North Anne Street.  
St. Michael and John's National Schools, Essex Street.  
St. Saviour's Orphanage, Denmark Street.  
St. Thomas' Orphanage, Gloucester Street.  
Simpson's School, in connection with the Unitarian Church, St. Stephen's Green.  
Wesley College, St. Stephen's Green.

County of Dublin—

Parochial Schools, Castleknock.  
Parochial School, Finglas.

County of Kilkenny—

Chapel Lane School, Kilkenny.  
St. Kieran's College, Kilkenny.

County of Louth—

Christian Brothers Schools, Drogheda.  
Christian Brothers Schools, Dundalk.  
St. Mary's College, Dundalk.

County of Meath—

St. Finian's Seminary, Navan.

County of Westmeath—

Balvedere Orphanage, Tyrrellspass.  
Westmeath Protestant Orphan Society.  
Wilson's Hospital, Multyfarnham.

County of Wexford—

St. Peter's College, Wexford.

Province of Munster—

County of Clare—

Christian Brothers Schools, Ennis.  
Killaloe Diocesan College, Ennis.

City of Cork—

Christian Brothers Schools, Cork.  
Presentation Brothers School, Cork.  
St. Finn Barr's Seminary, Cork.  
St. Vincent's Orphanage, Cork.

County of Cork—

Carmelite Seminary, Kinsale.  
Christian Brothers Schools, Charleville.

Province of Munster—continued.

County of Cork—

Christian Brothers Schools, Youghal.  
Convent National School, Youghal.  
St. Cadmar's College, Fermoy.  
St. Joseph's Convent School, Kinsale.

County of Kerry—

The Jeffery Endowment, Tralee.

County of Limerick—

Cathedral Grammar School, or Eels School, Limerick.  
Christian Brothers Schools, Limerick.  
Mount St. Vincent School, Limerick.  
Sacred Heart College, Limerick.

County of Tipperary—

Christian Brothers Schools, Clonmel.  
Rockwell College, Cahir.

County of Waterford—

Bishop Foy's Endowment, Waterford.  
Bishop Foy's Apprenticeship Fund, Waterford.  
Christian Brothers Schools, Waterford.  
Friends' School, Newtown, Waterford.  
St. John's College, Waterford.

Province of Ulster—

County of Antrim—

Friends Agricultural School, Brookfield.  
Friends Provincial School, Lisburn.  
Macnamara Alkey School.  
St. Malachy's College, Belfast.

County of Armagh—

Jackson's Schools, Forkhill.  
St. Patrick's College, Armagh.

County of Cavan—

Christian Brothers Schools, Cavan.  
St. Patrick's College, Cavan.

County of Fermanagh—

Vaughan Charter School, Tully.

County of Londonderry—

St. Columb's College, Londonderry.

County of Monaghan—

St. Macartan's Seminary, Monaghan.

Province of Connacht—

County of Galway—

Christian Brothers Schools, Clarenbridge.  
Lambard Street Schools, Galway.  
St. Ignatius College, Galway.  
St. Jordán's College, Tuam.  
St. Joseph's Seminary, Nun's Island, Galway.

County of Sligo—

College of the Immaculate Conception, Sligo.

TABLE V.—Exempt Endowments, with respect to which applications for Consent Schemes were received.

Note.—In the cases marked with an asterisk (\*), it has been decided not to proceed with the Scheme.

The Church of Ireland Victoria Jubilee Fund. (Scheme No. 41).	
The Presbyterian Orphan Society of Ireland. (Scheme No. 58).	
The Orphan Society of the Association of Irish Non-Separating Presbyterians and other Free Christians. (Scheme No. 70).	
The Sabbath School Society for Ireland in connection with the Presbyterian Church. (Scheme No. 72).	
The Parochial Schools of "The Church of Ireland" in the following Dioceses—	
Armagh. (Scheme No. 86).	
Donegal. (Scheme No. 55).	
Clogher. (Scheme No. 96).	
Derry. (Scheme No. 102).	
Raphoe. (Scheme No. 36).	
Down and Connor and Dromore. (Scheme No. 53).	
Cork, Cloyne, and Ross. (Scheme No. 65).	
Kilkenny. (Scheme No. 103).	
*Ardagh. (Draft Scheme No. 130).	
Tuam. (Draft Scheme No. 133).	
Killala and Achonry. (Scheme No. 104).	
Dublin, Glendalough, and Killarney. (Scheme No. 147).	
Cross. (Scheme No. 137).	
Ferm. (Scheme No. 73).	
Leighlin. (Scheme No. 77).	
*Killaloe, East.	
Cloondra and Kilmacduagh.	
Limerick. (Scheme No. 78).	
*Ardert and Aghadoe. (Draft Scheme No. 141).	
The Endowments belonging to the Congregations under the care of the following Presbyteries—	
*Aghabill.	
Antrim. (Scheme No. 118).	
Armagh. (Scheme No. 191).	
Athlone. (Scheme No. 207).	
*Ballyleborough.	
Ballybay. (Scheme No. 75).	
Ballymena. (Scheme No. 83).	
Banbridge. (Scheme No. 78).	
Belfast. (Scheme No. 109).	
Carickfergus. (Scheme No. 97).	
Cavan. (Scheme No. 115).	
Clogher. (Scheme No. 126).	
Coleford. (Scheme No. 173).	
Connor. (Scheme No. 137).	
Connacht. (Scheme No. 116).	
Cook. (Scheme No. 139).	
Derry. (Scheme No. 135).	
Donegal. (Scheme No. 179).	
*Down. (Draft Scheme No. 196).	
Dromore. (Scheme No. 132).	
Dublin. (Scheme No. 64).	
Glendarmet. (Scheme No. 168).	
Letterkenny. (Scheme No. 157).	
Lisnaboy. (Scheme No. 169).	
*Monaghan.	
Newry. (Scheme No. 84).	
Onagh. (Scheme No. 178).	
Raybar. (Scheme No. 161).	
Rathfriland. (Scheme No. 185).	
Routs. (Scheme No. 143).	
Sinclair. (Scheme No. 167).	
Templepatrick. (Scheme No. 166).	
Tyrone. (Scheme No. 120).	

Endowments classified according to Provinces and  
Counties, as follows—

Province of Leinster—

County of Carlow—

Browne's Apprenticeship Fund. (Scheme No.  
185).

City of Dublin—

St. Patrick's Cathedral Schools. (Scheme No. 9).  
St. Peter's Schools and Mrs. Wray's School.  
(Scheme No. 32).

The Catholic University School of Medicine.  
(Scheme No. 124).

The Parochial Schools of the City of Dublin.  
(Scheme No. 158).

The Ormond Quay Presbyterian Church Endow-  
ment. (Scheme No. 6).

The Dublin Protestant Reformatory Schools.  
(Scheme No. 151).

Gardiner's Charity and Lovell's Charity.  
(Scheme No. 147).

The Irish Clergy Daughters School. (Scheme  
No. 197).

The Damer School, St. Stephen's-green.  
(Scheme No. 200).

The Endowments of St. Nicholas Without  
and St. Luke's Parochial School. (Scheme  
No. 219).

County of Kildare—

Ballycar Parochial School. (Scheme No. 87).

Harcourt's School, Clane. (Scheme No. 87).

County of Kilkenny

Kilkenny Subscription School. (Scheme No.  
145).

County of Louth—

The Leigh Charity. (Scheme No. 117).

County of Meath—

Clowde's Charity and Stearn's Charity.  
(Scheme No. 156).

County of Waterford—

Arthur Smith's Charity. (Scheme No. 86).

The Shiel Charity, Rockfort Brídga. (Scheme  
No. 68).

Province of Munster—

City of Cork—

Bridridge's Charity.  
Crosshaven Hospital.  
Cork Grammar School. } (Scheme No. 47)  
Parochial Schools of the  
City of Cork.  
St. Stephen's Hospital. (Scheme No. 66).

County of Cork—

Bishop Crowe's School, Cloyne. (Schemes No. 66).  
Baltimore Fishery School. (Scheme No. 58).

County of Limerick—

\*Roxborough Road School, Limerick. (Draft  
Scheme No. 64).

County of Tipperary—

The Clerical Parochial Endowments. (Scheme  
No. 218).

Province of Ulster—

County of Antrim—

\*Isaac Grammar School. (Draft Scheme No. 61).  
Nicholson Endowment, Lisburn. (Scheme No.  
21).

Endowments classified according to Provinces and Counties, as follows:—continued.

Province of Ulster—continued.

City of Belfast—

Hugh Henry Boyd's Endowment. (Scheme No. 93).

The Methodist College. (Scheme No. 16).

The Townseal Street Presbyterian Church Endowments, and the Henry Marilyn Johnson Charity. (Scheme No. 112).

\*The Belfast Hospital for Sick Children.

County of Down—

The Southwell Charity and the Parochial Schools, Downpatrick. (Scheme No. 74).

Endowments classified according to Provinces and Counties, as follows:—continued.

Province of Ulster—continued.

County of Londonderry—

Magno Presbyterian College, Londonderry. (Scheme No. 23).

First Harry Presbyterian Church Endowments. (Scheme No. 146).

\*The Coleraine Temperance Institute.

Province of Connacht—

County of Galway—

The Mahon Endowment, Loughrea. (Scheme No. 154).

TABLE VI.—Public Sittings of the Commission held since October 1, 1892.

DUBLIN.—At the Four Courts, Wednesday, Thursday, Friday, and Saturday, October 19, 20, 21, and 22, 1892.

Draft Scheme No. 144.—The Erasmus Smith Endowments. (Objections and Amendments.)

DUBLIN.—At the Office of the Commission, Saturday, November 19, 1892.

The Rathmines Township Sunday and Daily Schools.

KILMEAGUE.—At the School House, Friday, December 16, 1892.

Draft Scheme No. 151.—The Kilmeague School and the Pocarrow Endowment.

CASLEBERG.—At the Court House, Wednesday, January 4, 1893.

Hugh Edwards' School, Castleberg.

LONDONDERRY.—At the Court House, Londonderry, Thursday, January 5, 1893.

Scheme No. 24.—Gwyn's Charitable Institution and Joseph Young's Charity. (Application for an Amending Scheme).

DUBLIN.—At the Office of the Commission, Tuesday, January 20, 1893.

Scheme No. 147.—The Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare.

Scheme No. 155.—The Parochial Schools of the City of Dublin and neighbourhood, and other Endowments in the City of Dublin. (Objections and Amendments).

MONAGHAN.—At the Court House, Wednesday, March 29, 1893.

Jackson's Schools, Monaghan.

CARRAGH, MULLARACK.—At the Carragh School House, Wednesday, March 29, 1893.

The Carragh School and the McCraig Endowment.

DUBLIN.—At the Office of the Commission, Saturday, July 1, 1893.

Scheme No. 161.—The Rathmines Township Sunday and Daily Schools. (Objections and Amendments.)

DUBLIN.—At the Office of the Commission, Friday, October 20, 1893.

Scheme No. 190.—The Stratford Lodge Schools, Baltinglass. (Objections and Amendments.)

DUNDALK.—At the Court House, Saturday, October 21, 1893.

Scheme No. 143.—The Viscount Limerick Endowment, Dundalk. (Objections and Amendments.)

DUBLIN.—At the Office of the Commission, Saturday, November 25, 1893.

Scheme No. 62.—The Munster Dairy School and Agricultural Institute. (Objections and Amendments.)

GLENARM, CO. ANTRIM.—At the Court House, Saturday, December 2, 1893.

Scheme No. 192.—The Glenarm Parochial School. (Objections and Amendments.)

Scheme No. 198.—The Crammill School, Connor. (Objections and Amendments.)

DUBLIN.—At the Office of the Commission, Saturday, December 9, 1893.

Scheme No. 209.—The Parochial Schools of the Diocese of Meath, and other Endowments, including the Arkleean Endowment—Amending Scheme. (Objections and Amendments).

Scheme No. 210.—The Incorporated Society for Promoting Protestant Schools in Ireland. (Objections and Amendments).

DUBLIN.—At the Four Courts, Monday, October 22, 1894.

Public Sitting of the Judicial Commissioners.

Draft Scheme No. 144.—The Erasmus Smith Endowments—Judgments of the Judicial Commissioners as to proceeding with the Scheme.

A B S T R A C T

OF THE

M I N U T E S   O F   T H E   C O M M I S S I O N E R S .

## ABSTRACT OF THE MINUTES OF THE COMMISSIONERS.

## PART I.

## SUMMARY OF MEETINGS AND ATTENDANCES.

(A.) TABLE showing MEETINGS held since October 1, 1892.

MEETING HELD BY	Number of Meetings held.	Number of those Meetings which were Private Sittings.	Number of Shared attendances.
The Full Commission, . . . . .	148	14	14
The Judicial Commissioners, . . . . .	111	1	4
The Assistant Commissioners, . . . . .	64	—	—
Total, . . . . .	323	15	18

(B.) TABLE showing the ATTENDANCES of the COMMISSIONERS since October 1, 1892.

NAME OF COMMISSIONER.	Full Commission.		Judicial Commissioners.		Assistant Commissioners Meetings	Total.
	Meetings.	Shared Attendance.	Meetings.	Shared Attendance.		
<i>JUDICIAL COMMISSIONERS:</i>						
Lord Justice Elgin Gibbon,	98	5	111	3	—	217
Mr. Justice O'Brien, . . . . .	63	1	111	1	—	175
<i>ASSISTANT COMMISSIONERS</i>						
Right Rev. Monsignor Molloy,	108	6	—	—	51	165
Dr. Trail,	111	4	—	—	58	173
Dr. Wilson, . . . . .	138	8	—	—	61	207

## PART II.

## MINUTES OF THE FULL COMMISSION.

October 4, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
 Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
 Dr. WILSON.

Minutes of the preceding meeting were read and confirmed.

Letters read:—

Rev. P. Farrelly (Oct. 1), sending name of Trustee to replace Mr. Dogerty, deceased, on the Scheme for the Orphanage, Ballymote.  
 J. H. Nunn (Oct. 3), refusing to act as Governor on the Scheme for the Dublin City Parochial Schools.

The question of Inspection was further considered, and tabulated lists of the Schemes drafted by the Commission, were submitted by Monsignor Molloy, considered and amended.

The Commissioners adjourned.

GERALD MOLLOY,  
 October 13, 1892.

N. D. Murphy, Secretary.

October 13, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
 Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
 Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Mr. Jas. McKEE, as to the Schemes for the Erasmus Smith Endowments (Oct. 6).  
 Most Rev. Dr. Husly, as to the Madelon Endowment (Oct. 11).  
 Rev. W. D. Wallace, as to Scheme for Letterkenny Presbytery.  
 The Secretary, Board of Public Works, as to Estimates for the year 1893-94.  
 Richard Biggs, M.A., as to Scheme No. 92, for Diocesan School Endowments.  
 Rev. G. B. Swanson, as to Scheme for the Erasmus Smith Endowments.  
 Edmund McNeill, as to Scheme for the Ballintoy School.  
 Rev. H. B. Stoney, M.A., as to the Schemes for the Dublin City Parochial Schools.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. S. C. Hughes (four letters), objecting to the Schemes for the Dublin City Parochial Schools, and notifying refusal of the trustees of certain Endowments to have them dealt with by the Schemes.

Messrs. F. and K. Reid, as to Supplemental Scheme for the Gwyn and Young Endowments.

H. J. Cooke, Secretary, on the same subject.

Rev. J. H. Murphy, as to the Scheme for the Presbytery of Cork.

The answer sent by direction of Monsignor Molloy, to a letter (Oct. 4), from the Under Secretary on the question of Inspection of Schools, was approved.

The question of Inspection was further considered, and a Draft Letter to the Chief Secretary was discussed, and it was agreed that the letter should be brought up in its amended form by Lord Justice FitzGibbon at the next meeting.

The Commissioners adjourned.

GERALD FITZGERALD,  
 October 14, 1892.

N. D. Murphy, Secretary.

October 14, 1892

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. John Jackson (Oct. 12), objecting to the Scheme for the Ballintoy School.

The Secretary, Gwyn's Institution, Londonderry, enclosing resolutions of the Gwyn's Governors, and letter from the Secretary of the Young Governors with regard to certain amendments of Scheme No. 24 for the Gwyn and Young Institutions.

It was ordered:—

That the Gwyn and Young correspondence be referred to Dr. Traill and Dr. Wilson to report on the subject thereof.

The Draft Letter as to Inspection of Schools was further considered and amended. Certain directions were given with regard to the preparation of the Report, and it was

Ordered:—

That the Appendix of documents should contain the Erasmus Smith Scheme, together with the Memorandum, and the observations of Lord Justice FitzGibbon, and of Monsignor Molloy, and the Protest of Dr. Traill; and also the various objections to the Scheme, and the two Charters of Charles II.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 17, 1892.

N. D. Murphy, Secretary.

October 17, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The Draft Letter to the Chief Secretary, Dublin Castle, on the question of Inspection, was submitted, as revised by Lord Justice FitzGibbon, amended and approved and ordered to be written.

Letters read:—

Most Rev. Dr. Healy (Oct. 16), on the question of inspection under the Scheme for the Madden Endowment.

Rev. D. Humphrys (Oct. 15), as to Objections and Amendments to the Draft Scheme for the Erasmus Smith Endowment.

Rev. S. C. Hughes (Oct. 14), as to the Draft Scheme for the Parochial Schools of the City of Dublin.

Replies, as drafted, ordered to be sent.

A letter was also read from Sir Edward Reid (Oct. 15), enclosing resolution as to the Gwyn and Young Endowments.

The matter was referred to Dr. Traill and Dr. Wilson.

It was decided that the Draft Scheme for the Madden Endowment should be revised “proper definition of the ‘The Bishop’ inserted in the Definition Clause.”

Secretary was directed to make out a List of the Schools which in 1879 were receiving grants from the Erasmus Smith's Board, and with respect to which the grants had been discontinued; showing, in the cases where the Schools had been placed in connection with the National Board, the Roll Numbers, Annual Grants to the Teachers, &amp;c., under the Erasmus Smith Board, and in 1880 under the National Board.

Commissioners adjourned.

ANTHONY TRAILL,

October 26, 1892.

D. Murphy, Secretary.

October 19, 1892.

PUBLIC SITTING

Of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Mr. H. Holt, R.L., Shorthand Writer, was in attendance.

THE ERASMO SMITH ENDOWMENTS.

(Consideration of the Objections and Amendments to the Draft Scheme.)

The following Bodies and Persons were represented as under, or appeared in person:—

The Governors of Schools founded by Erasmus Smith, by Edward Carson, Q.C., M.A., G. Wright, Q.C., W. M. Jellett (instructed by Messrs. Maughan and Sons).

The Intermediate Education Committee of the General Assembly, by W. H. Dodd, Q.C., and S. L. Brown (instructed by J. Henry, Solicitor).

The Provost, Fellows, and Scholars of Trinity College, Dublin, by C. L. Matheson, Q.C. (instructed by J. H. Nunn, Solicitor).

The Governors of the Hospital and Free School of King Charles II., Dublin, by W. M. Jellett (instructed by J. H. Nunn, Solicitor).

Rev. David Humphrys, C.M., in person, on behalf of the children of Tenants of the Erasmus Smith Estates in Limerick and Tipperary.

Rev. W. Nichols, B.D., in person, on behalf of the Methodist Conference.

The following were also present:—

Right Honorable The Vice-Chancellor of Ireland.

Rev. T. T. Gray, F.R.C.S.

Rev. H. R. Poole, F.T.C.S. (Governor of the Erasmus Smith Endowments).

Frank Brown, Esquire, Registrar of the Board of the Erasmus Smith Schools.

Rev. W. Todd Martin, D.D., Governor of the Intermediate Education Committee of the General Assembly.

Rev. J. M. Hamilton, M.A., Clerk of the Dublin Presbytery.

Lord Justice FitzGibbon made an introductory statement.

Mr. Carson, Q.C., M.A., made a statement.

The Commissioners adjourned.

ANTHONY TRAILL,

October 26, 1892.

N. D. Murphy, Secretary.

October 20, 1892.

PUBLIC SITTING

Of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Mr. H. Holt, R.L., Shorthand Writer, was in attendance.

THE ERASMO SMITH ENDOWMENTS.

(Further consideration of the Objection and Amendments to the Draft Scheme.)

The various Bodies and Persons were represented or appeared in person as at the preceding Sitting.

Mr. Carson, Q.C., continued his statement.

Right Hon. The Vice-Chancellor of Ireland, and Rev. D. Humphrys, C.C., made statements.

The Commissioners adjourned.

ANTHONY TRAILL,

October 26, 1892.

N. D. Murphy, Secretary.

October 21, 1892.

## PUBLIC SITTING

Of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Mr. H. Holt, B.L., Shorthand Writer, was in attendance.

## THE ERASMUS SMITH ENDOWMENTS.

(Further consideration of the Objections and Amendments to the Draft Scheme).

The various Bodies and Persons were represented or appeared in person—together with Rev. L. P. T. Ledoux, Rector of Calry—as at the preceding Sitting.

The Rev. L. P. T. Ledoux appeared on behalf of the Tenants of the Erasmus Smith Estates in Sligo.

Rev. D. Humphreys, c.c., continued his statement.

W. H. Dodd, q.c., made a statement.

The Commissioners adjourned.

ANTHONY TRAILL,

October 26, 1892.

N. D. Murphy, Secretary.

October 22, 1892.

## PUBLIC SITTING

Of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Mr. H. Holt, B.L., Shorthand Writer, was in attendance.

## THE ERASMUS SMITH ENDOWMENTS.

Further consideration of the Objections and Amendments to the Draft Scheme.

The various Bodies and Persons were represented or appeared in person as at the preceding Sitting.

The following persons made statements:—

Rev. D. Humphreys, c.c.

Rev. L. P. T. Ledoux.

Right Hon. The Vice-Chancellor of Ireland.

Rev. Dr. Nicholas.

C. L. Matheson, q.c.

W. W. Jellett, B.L., on behalf of King's Hospital, Oxmantown.

G. Wright, q.c.

Lord Justice FitzGibbon made a concluding statement.

The Commissioners adjourned.

ANTHONY TRAILL,

October 26, 1892.

N. D. Murphy, Secretary.

October 26, 1892.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting and Public Sittings were read and confirmed.

Letters read:—

The Town Clerk, Limerick (Oct. 23), with enclosures as to Roxborough Road School.  
Rev. D. Humphreys (Oct. 23), as to his evidence before the Commission, re the Erasmus Smith Endowments.

Rev. F. De Burgh Sidley (Oct. 20), as to the Scheme for the Diocese of Ardagh.

D. J. Kyle (Oct. 24), as to the Mountfield Endowment.

Rev. R. A. Maxwell (Oct. 22), as to the Charleville Endowment, Co. Cork.  
Secretary, Commissioners of Education in Ireland (Oct. 21), with enclosures as to the Scheme for the Diocesan Schools and Banagher Royal School Endowments.Rev. Wm. Matheson (Oct. 17), as to the present stage of the Ballintoy School Scheme.  
Replies, as drafted, ordered to be sent.

Letters also read:—

- H. Holt, a.l. (Oct. 18), as to Shortland Report of the Public Sitting, re the Erasmus Smith Endowment.
- Rev. W. J. Young (Oct. 19), applying for a copy of the Brown Street Sunday and Daily Schools Scheme.
- W. B. Neville (Oct. 19), as to the Schemes for the Diocese of Kilmore.
- R. Biggs (Oct. 19), as to the Objections to the Schemes for the Diocesan Schools and Bangor Royal School Endowments.
- Rev. H. M. Butler (Oct. 17), as to the progress of Schemes for the Limavady Presbytery.
- Under-Secretary, Dublin Castle (Oct. 20), acknowledging letter on the subject of Inspection.
- Secretary, Treasury (Oct. 21), as to Estimates 1892-3.
- H. J. Cooke (Oct. 18), with enclosure re to the Gwyn and Yeung Endowments.

The Secretary reported that search had been made in the Public Record Office for the Wills of Sir Wm. McMahon and J. Magowan; that no reference to the Mountfield School appears in the Will of Sir Wm. McMahon; and that he was unable to find any Will of J. Magowan, of Bangor.

The Commissioners adjourned.

GERALD MOLLOY,

October 29, 1892.

N. D. Murphy, Secretary.

October 29, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Mr. P. Clancy (Oct. 26), as to carrying out the provisions of the Scheme for the Carysfort Royal School Endowments.

Reply, as drafted, ordered to be sent.

A letter was also read from Rev. Dr. Murrable (Oct. 28), as to the Scheme for the Dublin City Parochial Schools.

The Secretary was directed to write in terms as drafted to the following:—

The Very Rev. The Dean of Lismore, as to preparing a Scheme for the Waterford Protestant Orphan Society.

The Clerks of the various Presbyteries in Ireland, as to preparing Schemes for their several Endowments, or where Schemes have been already published, as to the preparation of Supplemental Schemes.

The Under-Secretary, Dublin Castle, as to the Declaration of the Lord Lieutenant in Council in connection with the Scheme for the Diocesan Schools and Bangor Royal School Endowments.

The Secretary, The Robertson Endowments, as to including in that Scheme Rathos Diocesan Endowments.

The Secretary was instructed as to obtaining information relative to the following Endowments:—

The Lovings Charity, Calverstown, Co. Kildare.

The Notterville Almshouses, Dowth, Co. Meath.

Chancery Charitable School.

Mullabrock, Cabragh School, McCreight's Rentcharge.

Newtown Limavady School, Conn's Bequest.

Jackson's National Schools, Monaghan.

Scotstown Drummon's Schools, Westmeath Rentcharge.

Saturday, November 19, was fixed as the date of a Public Sitting for an Inquiry as to the Rathmines Township Schools, and for the hearing of Objections and Amendments to the Draft Scheme for the Dublin Protestant Reformatory Schools.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 2, 1892.

N. D. Murphy, Secretary.

November 2, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Rev. D. Humphrys, C.C. (Oct. 31), as to his evidence relating to the  
Rasna Smith Endowments.

Reply, as drafted, ordered to be sent.

The Annual Report was considered and amended, it being decided to add some new para-  
graphs to it.

The Commissioners adjourned.

GERALD FITZGERALD,

November 4, 1892.

N. D. Murphy, Secretary.

November 4, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting were read and confirmed.The correspondence relating to a Supplemental Scheme for the Gwyn and Young  
Endowments was considered, and it was agreed that a Public Sitting should be held in  
Derry at a date to be afterwards fixed.

Letters read:—

The Mayor of Limerick (Nov. 3), as to the valuation of Roxborough Road School  
premises.

R. Smith (Nov. 3), as to Audit of Accounts under Schemes.

Wm. Carter (Nov. 2), as to provisions of the Scheme for the Chancery Royal School  
Endowment.Rev. Canon Wiley (Nov. 2), as to the Scheme for the Diocesan Schools, and Banagher  
Royal School Endowments.

Replies, as drafted, ordered to be sent.

Letters also read:—

Ven. Archdeacon Tait (Nov. 3), as to "Consents" in connection with the Scheme for the  
Diocese of Tuam.Rev. J. Davidson (Nov. 3), stating that the Presbytery of Monaghan does not desire to  
have a Scheme prepared by the Commission.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 5, 1892.

N. D. Murphy, Secretary.

November 5, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Most Rev. Dr. Cofey (Nov. 3), as to papers relating to the Jeffers Endowment, Tralee.

Rev. W. Reid (Nov. 4), as to Magherafelt Presbytery Endowments.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write in terms as drafted to Wm. Johnston, Esq., M.P., and  
J. R. McConnell, Esq., as to the Henry Bequest, Downpatrick.The Annual Report was further considered, instructions being given as to printing  
certain documents in connection with it.The Secretary was directed to obtain from the Clerk of the Privy Council a transcript  
of the shorthand notes taken in connection with the hearing of the case of the Leamy  
Endowment before the Privy Council in August last.

The Commissioners adjourned.

GERALD MOLLOY,

November 9, 1892.

N. D. Murphy, Secretary.

November 9, 1892

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

A. Campion (Nov. 6), as to the provisions of the Scheme for Ballyroan School.  
 Messrs. Cranage and Greer (Nov. 5), as to the advancement of the Schemes for the Cranage Endowment.

The Under Secretary (Nov. 4), with respect to the valuation of the Roxborough Road School.

Replies, as drafted, ordered to be sent.

Letters also read:—

J. R. McCONNELL (Nov. 5), acknowledges letter re the "Henry Estate."  
 The Secretary, Local Government Board (Nov. 8), acknowledges letter re Audit of Accounts under Schemes.  
 Rev. Canon Smith (Nov. 7), as to Schools in connection with the Derry Diocesan Scheme.

The Secretary was directed to prepare a list of Endowments for which Schemes might be published in December.

The Commissioners adjourned.

H. B. WILSON,

November 11, 1892.

N. D. Murphy, Secretary.

November 11, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. Canon Wiley (Nov. 10), as to the Scheme for the Diocesan Schools of Killala and Achonry.

Rev. R. Wallace (Nov. 10), enclosing Lease of Property belonging to Templepatrick Presbytery.

Wm. Johnston, M.R. (Nov. 9), as to the "Henry Estate," Downpatrick.

T. Ware (Nov. 10), as to the Supplementary Scheme for the City of Cork Parochial Schools, and Cork, Cloyne, and Ross Parochial Schools.

The Draft Scheme, No. 160, for the Presbytery of Lissavady was considered, amended, and passed.

The Annual Report was considered.

The Secretary was directed to write in terms as drafted to Rev. R. Wallace and Rev. J. Clarke in connection with the Trustees referred to in the lease of Dargonnell School.

The Commissioners adjourned.

ANTHONY TRAILL,

November 12, 1892.

N. D. Murphy, Secretary.

November 12, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Rev. J. Corkey (Nov. 11), enclosing particulars as to Glendermot Presbytery.

The Draft Scheme, No. 160, for Chetwode's and Steane's Charity was considered and passed.

The Secretary was directed to write in terms as drafted to the Secretary, Diocesan Synods and Councils of Dublin, Glendalough and Kildare, as to resolutions recently passed relating to the Draft Schemes for the Parochial Schools of the United Dioceses of Dublin, Glendalough and Kildare, and the Parochial Schools of the City of Dublin.

The Secretary was also directed to write in terms as drafted to the Agent and Registrar of the Hospital and Free School of King Charles II, communicating the decision of the Commissioners with respect to the Endowment, as the result of the Secretary's report thereon, namely, that the Act does not apply to the same without the consent in writing of the Governing Body.

The Annual Report was considered, and orders given as to the printing of the Appendix.

The Commissioners adjourned.

GERALD MOLLOY,

November 16, 1892

N. D. Murphy, Secretary.

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November 16, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. William Stuart (Nov. 15), as to the Presbytery of Connacht.

Rev. W. L. Berkley (Nov. 15), as to the Presbytery of Boisford.

Rev. R. Morris (Nov. 12), as to the Presbytery of Letterkenny.

The Right Rev. the Bishop of Cork, Cloyne and Ross (Nov. 12), as to the High School for Girls and Roselle Seminary, Cork.

A letter was also read from the Rev. T. H. Flomming (Nov. 15), as to the state of the Scheme for the Lyons Endowment.

Reply, as drafted, ordered to be sent.

The Annual Report was further considered.

The Commissioners adjourned.

H. B. WILSON,

November 19, 1892.

N. D. Murphy, Secretary.

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November 18, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. G. Stoney (Nov. 16), applying for additional time to consider the Scheme for the City of Cork, and Cork, Cloyne, and Ross Parochial Schools.

Rev. F. W. Ainley (Nov. 16), as to proposed amalgamation of High School for Girls, Cork, and Roselle Seminary.

Replies, as drafted, ordered to be sent.

Letters also read:—

G. R. Armstrong (Nov. 16), acknowledging receipt of correspondence as to the Hospital and Free School of King Charles II, Dublin.

Rev. J. B. McBride (Nov. 17), as to the Presbytery of Derry.

Wm. Waller (Nov. 17), as to Roxborough Road School, Limerick.

Rev. R. Wallace (Nov. 17), as to Dungowall School, Templepatrick Presbytery.

Monsignor Molloy brought up, and submitted his observations on the Amendments proposed to the Schemes for the Midland Endowment, and the Scheme for the Pembroke Technical School.

It was ordered that the two Schemes, with the Amendments and Observations be submitted to the Judicial Commissioners.

The Commissioners adjourned.

ANTHONY TRAILL,

November 28, 1892.

N. D. Murphy, Secretary.

November 19, 1892.

PUBLIC SITTING

Of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Mr. Charles Ryan, Shorthand Writer, was in attendance.

THE RATHMINES TOWNSHIP SUNDAY AND DAILY SCHOOLS.

(PRELIMINARY INQUIRY.)

Lord Justice FitzGibbon made an introductory statement.

The following persons were present:—

Rev. S. M. Harris, A.M.  
J. E. Orms, M.A., M.R.  
G. T. B. Vanstone, LL.B.  
J. E. Smooth, Hon. Secretary of Committee.

The following made statements:—

Rev. S. M. Harris, A.M.  
J. E. Orms, M.A., M.R.  
G. T. B. Vanstone, LL.B.

No. 153.—THE DUBLIN PROTESTANT REFORMATORY SCHOOLS.

(OBJECTIONS AND AMENDMENTS.)

Lord Justice FitzGibbon made an opening statement.

The following persons were present:—

Rev. J. H. Monahan.  
Rev. R. G. M. Webster.  
Rev. A. H. Elliott.  
Rev. R. Long.  
R. Andrew, L.S.A.

Rev. J. H. Monahan was examined.

The following made statements:—

Rev. R. G. M. Webster.  
Rev. A. H. Elliott.

Lord Justice FitzGibbon made a concluding statement.

MEETING.

A letter was read from the Under Secretary, Dublin Castle (Nov. 12), as to the Estimate of the Commission for the year 1893-4.

Reply, as drafted, ordered to be sent.

The Draft Scheme No. 150, for Chetwode's and Stearne's Charity was finally passed and ordered for publication.

The Commissioners adjourned.

ANTHONY TRAILL,  
November 23, 1892.

N. D. Murphy, Secretary.

November 23, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. G. Delnegan, as to the proposed sale for Rushmore Road School.  
Rev. J. Clarke, two letters [Nov. 21], as to Dungennell Schooltrust.  
Ven. H. Gallican [Nov. 21], applying for a copy of the Scheme for the Clarendon Royal School Endowment.

A letter (Nov. 18), signed by the Rector of Macroom and others as to the Scheme for the Crotton Endowments, Clondrohid, was referred to the Judicial Commissioners.

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The Secretary was directed to write, in terms as drafted, subject to the approval of the Judicial Commissioners, to the Mayor of Limerick in reply to a letter (Nov. 19) from him as to the valuation of Roxborough Road School.

The Scheme, No. 166, for the Presbytery of Templepatrick was ordered to be published —Bungonell Schoolhouse being omitted from the Schedule.

The Secretary reported that, owing to the strike of the employees of the Queen's Printers the Schemes at present in their hands were not available for consideration.

The Commissioners adjourned.

GERALD MOLLOY,

November 25, 1892.

N. D. Murphy, Secretary.

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November 25, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignore MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from S. Cunningham (Nov. 24), as to a Scheme for the North East Agricultural Association.

Reply, as drafted, ordered to be sent.

Letters also read:—

Rev. W. J. Lorn (Nov. 23), giving particulars as to property belonging to the Presbytery of Derry.

Rev. J. Clarke (Nov. 23), as to Dungowall School.

A letter from the Under Secretary, Dublin Castle (Nov. 23), in connection with the expenses of this Commission for the year 1893-4, was referred to the Judicial Commissioners.

The Public Sitting to consider Objections and Amendments lodged against the Draft Scheme for Kilmearns School and Perseveral Endowment, already fixed for Saturday, December 10, was postponed till Friday, December 16, or Saturday, December 17, which ever date would best suit the convenience of the Judicial Commissioners.

The Commissioners adjourned.

GERALD FITZGIBBON,

November 26, 1892.

N. D. Murphy, Secretary.

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November 26, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignore MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The letter from the Under Secretary, Dublin Castle (Nov. 23), in connection with the expenses of the Commission for the year 1893-4, was considered, and it was decided that the Assistant Commissioners should prepare a memorandum thereon.

The Draft letter to the Mayor of Limerick in reply to his letter (Nov. 19), as to the Valuation of Roxborough Road School Premises, was considered, and ordered to be sent.

A letter (Nov. 18) as to the Crofton Endowment, signed by the Rector of Macroom and others, was brought up and a reply, as drafted, ordered to be sent.

The Secretary called attention to the interruption in the business of the office caused by the delay in the execution of the printing work of the Commission, entrusted to the care of Messrs. Alexander Thom and Co., Limited, and a letter, as drafted, was ordered to be written to the Secretary of the Company on the matter.

The Secretary was directed to write, in terms as drafted, to the Under Secretary, Dublin Castle, as to the revision of the Scheme for the Diocesan Schools and Banagher Royal School Endowments.

The Commissioners adjourned.

H. B. WILSON,

November 26, 1892.

N. D. Murphy, Secretary.

November 29, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

A letter was read from Rev. R. H. Simpson [Nov. 23] as to a proposed Scheme for Dungannon Presbytery.

Reply, as drafted, ordered to be sent.

Letters also read:—

S. Cunningham (Nov. 28), acknowledging letter re North East Agricultural Association.  
J. F. Smith (Nov. 28), enclosing Annual Report of Rathmines Township Sunday and Day Schools.

Very Rev. Dean Dickinson (Nov. 28), as to a Supplemental Scheme for Alexandra College and School.

E. McNeill (Nov. 19), addressed to Dr. Trail, as to Bellinstown School.

Rev. J. F. Cain (Nov. 29), enclosing copy of Rental in connection with Portarlington Free School.

T. Greene, Secretary, Representative Church Body (Nov. 26), as to the Scheme for the Parochial Schools of the Diocese of Killala and Achonry.

A letter from Mr. Henry, Solicitor [Nov. 29], as to the Presbyterian Congregation of Enniscorthy, was reserved for a full meeting of the Commission.

The Secretary reported that Messrs. Alex. Thom & Co., Limited, were now in a position to carry out the printing work of the Commission.

The Commissioners adjourned.

ANTHONY TRAILL,

December 2, 1892.

N. D. Murphy, Secretary.

December 2, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

M. Comerford (Nov. 30), as to the Viscount Limerick's Endowment, Dundalk.  
J. A. French (Nov. 30), as to Sir William MacMahon's Will in connection with the Mountfield National School, and Cappagh Mayo National School.

Reply, as drafted, ordered to be sent:—

A letter was read from the Under Secretary, Dublin Castle [Nov. 30], authorizing the Commissioners to proceed with the valuation of Roxborough Road School Premises.

It was agreed that the matter should be brought up on Saturday, provided Lord Justice FitzGibbon should be present.

The Objections and Amendments to the Schemes for the Parochial Schools of the City of Dublin and the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare, submitted on behalf of the Joint Diocesan Synode of Dublin, Glendalough, and Kildare, by the Committee appointed by the Joint Synod to consider these Schemes, were brought up and considered, and referred to Dr. Trail for his observations thereon.

It was agreed that a Public Sitting should be held some time in January to consider the Objections and Amendments to these Schemes, at a date to be subsequently determined.

The Memorandum brought up on the Estimates for the year 1893-94, was considered, and it was agreed that the matter should be brought up on Saturday, provided Lord Justice FitzGibbon should be present.

The Commissioners adjourned.

WILLIAM O'BRIEN.

N. D. Murphy, Secretary.

December 3, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

A letter was read from J. Henry (Dec. 2), as to the Objections and Amendments to the Scheme for the Kilmacogue School and Personal Endowment, and a reply, as drafted, ordered to be sent.

The Memorandum on the Estimates for the year 1893-94, was again brought up, and the proposed reply to the letter [Nov. 23] from the Under Secretary, Dublin Castle, on the subject was discussed.

The letter (Nov. 30), from the Under-Secretary, Dublin Castle, authorizing the Commissioners to proceed with the valuation of Roxborough Road School Premises, was brought up and instructions given thereon.

A reply, as drafted, was ordered to be sent in the letter [Nov. 29], from Mr. Henry, Solicitor, in connection with the Enniscorthy Presbyterian Congregation.

It was provisionally agreed that a Public Sitting should be held on Monday, January 9, 1893, to consider the Objections and Amendments lodged against the Scheme for the Parochial Schools of the City of Dublin, and the Scheme for the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare.

It was agreed that the following Schemes should be published on December 19.

159. Chetwicks and Stourds Charity.
160. Endowments of the Lismore Presbytery.
161. Rathmines Township Sunday and Daily Schools.
162. The McGowan Endowments.
163. Lord Weymouth's Grammar School, Carrickmacross.
164. Portmarnock Free School.
165. Dunganeell School.
166. Endowments of the Templepatrick Presbytery.
167. Alexandra College and School (Supplemental).
168. Endowments of the Glendalough Presbytery.

The Commissioners adjourned.

GERALD MOLLOY,

December 7, 1892.

N. D. Murphy, Secretary.

December 7, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

A letter (Dec. 7) was read from W. M. Mitchell, saying he will undertake the valuation of Roxborough Road School Premises as requested.

A Minute (Dec. 2) was read from the Under Secretary, Dublin Castle, as to the Annual Report of the Commission.

Reply, as drafted, ordered to be sent.

The Secretary was directed to write to Messrs. Thom & Co. (Limited), with a view to expediting the printing work of the Commission.

January 6 was provisionally fixed as the date of a Public Sitting, to be held in Derry, to consider the suggestions as to a Supplemental Scheme for the Gwyn and Young Endowments.

The Draft Scheme, No. 162, for the McGowan Endowments was considered and passed.

The Secretary was directed to write, in terms as drafted, to Very Rev. Dean Dickenson and to W. G. Brooke, Esq., M.A., as to the application for a Supplemental Scheme on behalf of Alexandra College.

The Commissioners adjourned.

GERALD FITZGERALD,

December 9, 1892.

N. D. Murphy, Secretary.

December 9, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Canon Newland (Dec. 8), applying for a copy of the Scheme for the Diocese of Derry.  
T. Ward (Dec. 8), suggesting amendments in the Supplemental Scheme for the City of Cork Parochial Schools, and Cork, Cloyne and Ross Parochial Schools.  
A. Gray (Dec. 7), addressed to Dr. Wilson, as to the Scheme for the Rathmines Township Smalley and Duffy Schools.

Replies, as drafted, ordered to be sent.

A letter (Dec. 6) from Rev. J. K. Leslie, as to the Presbytery of Tyrone, was read, and the reply thereto already drafted by Lord Justice FitzGibbon was approved.

Letters also read:—

Rev. C. K. Tolson (Dec. 8), as to the Subsidiaries of the Schemes for Strabane Presbytery.  
W. G. Broderick (Dec. 8), as to the Supplemental Scheme for Alexandra College.

The Secretary was directed to write, in terms as drafted, to the Rev. R. P. Graves, in connection with the application for a Supplemental Scheme for Alexandra College.

It was agreed that a Public Sitting to hear the Objections and Amendments lodged against the Schemes for the Dublin City Parochial Schools and the Parochial Schools of the United Dioceses of Dublin, Glendalough and Kildare, already provisionally fixed for Monday, January 9, 1893, should be postponed to Tuesday, January 10.

The Commissioners adjourned.

H. B. WILSON,  
December 17, 1892.

N. D. Murphy, Secretary.

December 10, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
No. 10.—ALEXANDRA COLLEGE AND SCHOOL.—Application for a Supplemental Scheme.

Very Rev. Dean Dickinson, Warden, Rev. R. P. Graves, M.A., LL.D., Vice-Warden, and Rev. T. B. S. Collins, M.A., Secretary and Bursar, were present representing the Council of Alexandra College, and conferred with the Commissioners as to the details of a Supplemental Scheme for the above Endowments.

A letter (Dec. 9) was read from Rev. R. T. Simpson as to vested Schools in connection with the Dungannon Presbytery, and a reply, as drafted, ordered to be sent.

The paragraph to appear in the Annual Report with regard to the three Schemes for the Limerick Endowments was considered and amended, a note being appended by Dr. Traill.

A letter (Dec. 8) from the Under Secretary, Dublin Castle, as to the Estimates of the Commission for the year 1893-4, was read, and a reply, as drafted, was agreed to.

The Commissioners adjourned.

H. B. WILSON,  
December 17, 1892.

N. D. Murphy, Secretary.

December 14, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Letters read:—

Rev. D. Ward (Dec. 15), as to the Munster Presbytery.  
Rev. J. F. Cole (Dec. 13), as to Portarlington Free School.  
James Henry, Solicitor (Dec. 13), as to Enniscorthy Congregation in connection with the Dublin Presbytery.

Replies, as drafted, ordered to be sent.

Letters also read:—

Messrs. Farrer & Co. (Dec. 10), as to Curraghmacross Endowed School.

W. E. Rogers (Dec. 10), as to the Scheme for the Dioceses of Down and Connor and Dromore.

Rev. H. M. Butler (Dec. 12), as to Drummachose National School, Limavady Presbytery.

John Suranman (Dec. 13), as to the Waterford City Protestant Orphan Institution.

The Draft Scheme, No. 164, for Portarlington Endowed School was considered and passed.

The Annual Report was considered and passed.

The Commissioners adjourned.

H. B. WILSON,

December 17, 1892.

N. D. Murphy, Secretary.

December 16, 1892.

#### PUBLIC SITTING

Of the Commission held this day at the Schoolhouse, Kilmagus.

Present:—Dr. TRAILL, Dr. WILSON.

Mr. Macartney, the Shorthand Writer, was in attendance.

#### THE KILMAGUS SCHOOL AND PERCEVAL ENDOWMENT.

Mr. William Fry, Solicitor, appeared for the Rev. George Garrett, Manager of the School.

Mr. James Henry, Solicitor, appeared for the Parishioners.

Dr. Traill made an introductory statement.

The following witnesses were sworn and examined:—

William Curtis.

George Lowe.

Francis Hill.

William Thornton.

Samuel Strong.

Joseph Carter.

Joseph Lanyby.

Philip Strong.

Thomas Mape.

Thomas Wilson.

Richard Nevitt.

Thomas Mardon.

William Vaughan.

Rev. George Garrett was examined, having been sworn on a previous occasion.

Mr. William Fry and Mr. James Henry made statements.

Previous to the sitting the Commissioners visited the old Kilmagus Schoolhouse and inspected the new Schoolhouse.

The Commissioners adjourned.

December 17, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meetings were read and confirmed.

Letters read:—

The Town Clerk, Limerick (Dec. 14), as to the valuation of Roxborough Road School Premises.

Rev. D. Wark (Dec. 15), as to the Munster Presbytery.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. J. McCay (Dec. 15), as to Donagh Presbytery.

Rev. W. J. Steele (Dec. 14), as to the Dromore Presbytery.

Rev. J. F. Cole (Dec. 15), as to Portarlington Endowed School.

Rev. H. P. MacDonald (Dec. 14), as to Raphoe Diocesan Endowments.

W. M. Mitchell (Dec. 16), enclosing valuation of Roxborough Road School Premises.

The Annual Report of the Commission was signed by the Commissioners.

The question of the Erasmus Smith Endowments was discussed.

The Schemes for the following Endowments were considered and passed.

No. 163.—Lord Weymouth's Grammar School, Carrickmacross.

No. 165.—The Dungannon School, Kilhead.

The Commissioners adjourned.

GERALD FITZGIBSON,

December 21, 1892.

N. D. Murphy, Secretary.

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December 21, 1892.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Monsignor MOLLOY.

Mинutes of preceding meeting were read and confirmed.

Letters read:—

Rev. R. Maffett (Dec. 20), two letters as to the Governing Body of Lord Weymouth's School, Carrickmacross.

D. J. Kyte (Dec. 20), as to the Mountfield School Endowment.

Rev. R. G. M. Webster, as to the Schemes for the Dublin Protestant Reformatory Schools.

Rev. T. Campbell (Dec. 20), as to the Schedule to the Scheme for the Dioceses of Down and Connor and Dromore.

Replies, as drafted, ordered to be sent.

A letter was also read from Rev. J. M. Hamilton (Dec. 20), as to the Supplemental Scheme for the Dublin Presbytery.

The usual directions as to closing the Office during the Christmas Holidays were given.

The Draft Schemes for the following Endowments were finally considered and passed:—

No. 161.—The Rathmines Township Sunday and Daily Schools.

No. 166.—The Presbytery of Templepatrick.

The Commissioners adjourned.

ANTHONY TRAILL,

January 11, 1893.

N. D. Murphy, Secretary.

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January 4, 1893.

#### PUBLIC SITTING

Of the Commission held this day at the Courthouse, Castlederg.

Present:—Dr. TRAILL, Dr. WILSON.

Mr. David Preseley, Shorthand Writer, was in attendance.

Dr. Traill made an introductory statement.

#### CARTRIDGER SCHOOL [EDWARDS ENDOWMENT].

Mr. Charles Mullin, Solicitor, appeared for Rev. Dr. Gatchell, Manager of the School.

The following were sworn and examined:—

Rev. Dr. Gatchell.

Rev. James McCay.

Andrew Gailey.

Robert Woods Smith.

Dr. Thomas Leahy, J.P.

James Gamble.

John McCay and Mr. Mullin, Solicitor, made statements.

Previous to the sitting the Commissioners visited and inspected the Edwards School.

The Commissioners adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

January 5, 1893.

PUBLIC SITTING

Of the Commission held this day at the Courthouse, Londonderry.

Present:—Dr. TRAILL, Dr. WILSON.

Mr. David Prentley, the Shorthand Writer, was in attendance.

GWTN'S INSTITUTION AND JOSEPH YOUNG'S CHARITY.

Sergeant Dodd, Q.C., instructed by Dr. J. Koko Reid, Solicitor, appeared for the Gwyn Governors.

Mr. John Cooke, B.L., instructed by Mr. W. L. Gilliland, Solicitor, appeared for the Young Governors.

Dr. Traill made an introductory statement.

Mr. Cooke made a statement.

The following were sworn and examined:—

Rev. James Cargin.

Alexander Black, Esq., A.R.

John Cooke, Esq., A.P.

Rev. Robert Ross, D.D.

Dr. Walter Bernard.

Annie Gilliland.

George Knes Gilliland, Esq., A.P.

William T. Ellis, Esq., B.L.

Mr. David Lowe.

W. F. Bigger, Esq., A.P.

Mr. Joseph Cooke, A.P., Sergeant Dodd, Q.C., and Mr. W. L. Gilliland, Solicitor, made statements.

The Commissioners adjourned.

GERALD FITZGIBBON,

N. D. Murphy, Secretary.

January 6, 1893.

Stated Attendance of the Commissioners held this day at the Office, 28, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON.

Letters read:—

Rev. W. Matchette (Jan. 3), as to the Scheme for Ballintoy School.

Sir W. Quarrie Kvart (Dec. 30), addressed to the Under-Secretary, Dublin Castle, refusing to act as Governor under the Scheme for the Dioceses of Down and Connor and Dromore.

Rev. T. R. Hamilton (Dec. 24), as to Strandtown National School, Diocese of Down.

C. G. T. Purse (Dec. 23), as to the appointment of Inspector of Irish Schools.

Rev. R. Wallace (Dec. 26), as to Convent Forms in connection with Omagh Presbytery.

Rev. H. B. Hewson (Dec. 27), as to Objections to the Scheme for the United Dioceses of Dublin, Glendalough, and Kildare.

Rev. J. F. Cole (Dec. 30), as to the Scheme for Portarlington Endowed School.

Rev. B. Moffett (Dec. 29), as to Carrickmacross Endowed School.

R. Percival Maxwell (Dec. 20), as to Inch Schoolhouse, Dioceses of Down and Connor and Dromore.

P. E. Taylor (Dec. 27), as to Advertisements for the *Evening Echo*.

Replies, as drafted, ordered to be sent.

Letters also read:—

Town Clerk of Limerick (Jan. 3), as to the Scheme for Limerick Technical Education.

Rev. W. Marable (Dec. 28), as to the Scheme for the Parochial Schools of the City of Dublin.

Rev. H. T. MacDonald (Dec. 23), encloses Schedule to be included in the Amending Scheme for the Robertson Endowments.

Rev. W. McCoy (Dec. 27), encloses Schedule and information re Donegal Presbytery.

Rev. D. Parkes (Dec. 28), sends additional Schedule for the Scheme for Banbridge Presbytery.

Rev. W. Smart (Dec. 29), as to the Scheme for Cavanagh Presbytery.

Rev. S. Graham (Dec. 29), gives additional Schedule for the Scheme for the Dromore Presbytery.

Rev. B. Wallace (Dec. 21), as to the Scheme for Dungannon School.

Rev. H. M. Butler (Dec. 31), as to "Consents" for Limavady Presbytery.

Rev. T. S. Graham (Dec. 28), sends additional Schedule for Cumber Presbytery Scheme.

A letter was also read from Rev. W. Sherlock (Dec. 26), as to the Scheme for Hewitson's School, Clane, and a reply, as drafted, ordered to be sent.

Several applications for copies of Draft Schemes were reported.

Details in connection with the Public Sitting to be held in the Office on Tuesday, January 10, at 12 o'clock, were arranged.

The Commissioners adjourned.

N. D. Murphy, Secretary.

ANTHONY TRAILL,

January 11, 1893.

January 10, 1893.

PUBLIC SITTING

Of the Commission held this day at the Office, 23 Nassau Street, Dublin.

PRESENT:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Dr. TRAILL, Dr. WILSON,  
Mr. G. King Magee, the Shorthand Writer, was in attendance.

DRAFT SCHEME No. 147.—THE PAROCHIAL SCHOOLS OF THE UNITED DIOCESES OF DUBLIN, GLENDALOUGH, AND KILDARE.

Draft Scheme No. 158.—The Parochial Schools of the City of Dublin and Neighbourhood, the Ralph Maudlin Endowment, the Griffith Endowment, and other Endowments in the City of Dublin.

(OBSTACLES AND AMENDMENTS).

The following Members of the Committee appointed to represent the Joint Diocesan Synods of Dublin, Glendalough, and Kildare were present:—

Very Rev. The Archdeacon of Dublin, A.M.  
Rev. Robert Walsh, A.M.  
Very Rev. The Dean of the Chapel Royal, A.M.  
Rev. Robert Stoney, A.M.  
Rev. H. Kingsmill Moore  
Rev. J. W. Tristram, A.M. [Secretary.]  
Rev. J. H. Walsh, A.M.  
Rev. W. H. Morrison  
Rev. A. L. Elliott  
Rev. R. D. Blasie.

The following were also present:—

Very Rev. William Conyngham Green, A.M.  
Rev. R. G. M. Webster  
Rev. Canon M. W. Jellett, A.M., LL.B.  
Very Rev. The Dean of St. Patrick's.

John Wakely, Esq. (instructed by Messrs. H. T. Dix and Sons), appeared on behalf of the Governors of Leve's Charity.

Lord Justice FitzGibbon made an introductory statement.

The following also made statements:—

Very Rev. The Archdeacon of Dublin.  
Rev. J. W. Tristram, A.M.  
Rev. R. D. Blasie.  
Rev. A. L. Elliott.  
Very Rev. The Dean of the Chapel Royal, A.M.  
Rev. Robert Walsh, A.M.  
Rev. Robert Stoney, A.M.  
W. R. Wakely, Esq.

The Commissioners adjourned.

ANTHONY TRAILL,  
January 11, 1893

N. D. Murphy, Secretary.

January 11, 1893.

Meeting of the Commission held this day at the Office, 23 Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding Meetings and the Stated Attendance of January 6, were read and confirmed.

Letters read:—

Rev. J. W. Atkin (Jan. 10), as to Cork City, and Cork, Cloyne, and Ross Parochial School Schemes (Supplements).

Messrs. Mansell and Son (Jan. 10), as to the Scheme for Donaghadee Free Schools.

Replies, as drafted, ordered to be sent.

Letters also read:—

J. J. Hadett (Jan. 6), as to Ralph Macmillan Schools.

Rev. R. G. M. Webster (Jan. 10), as to the Scheme for the Dublin Protestant Reformatory Schools.

Rev. H. B. Hewson (Jan. 10), as to Objections to the Schemes for the Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kilmore.

W. Louis Gilliland (Jan. 9), as to the Gwyn and Young Endowments.

The Commissioners adjourned.

L. B. WILSON,

January 13, 1893.

N. D. Murphy, Secretary.

January 13, 1893.

Meeting of the Commission held this day at the Office, 23 Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Dr. TRAILL, Dr. WILSON.

Minutes of preceding Meeting were read and confirmed.

Letters read:—

J. P. Butler (Jan. 12), giving particulars as to the Schemes for the Templepatrick Presbytery.

R. Parsons Maxwell (Jan. 11), addressed to the Under-Secretary, Dublin Castle, as to the Schedule to the Scheme for the Dioceses of Down and Connor and Dromore.

J. J. Murphy (Jan. 11), as to the same Scheme.

Replies, as drafted, ordered to be sent.

Letters also read:—

The Under-Secretary, Dublin Castle (Jan. 11), as to the system of Inspection required by the Educational Endowments Ireland Act.

Rev. Dr. Nicholas (Jan. 12), enclosing Return of Methodists in the neighbourhood of the Emmaus Smith estate.

The letter (Jan. 10) from Messrs. Mansell and Son as to Donaghadee Free Schools was considered, and a reply, as drafted, ordered to be sent.

The Report of the valuation of Roxborough Road School Premises, submitted by Mr. Mitchell, was discussed, and the Secretary was directed to write, in terms as drafted, with reference thereto.

The Commissioners adjourned.

GERALD FITZGERALD,

January 14, 1893.

N. D. Murphy, Secretary.

January 14, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FRIZZIBONE, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. J. Murphy (Jan. 13), as to objections to the Scheme for the Parochial Schools of the Diocese of Down and Connor and Dromore.

Rev. J. Jackson (Jan. 13), as to Scheme for John Sharp's Endowment, Ballycastle.

Replies, as drafted, ordered to be sent.

A letter was also read from the Town Clerk of Limerick (Jan. 13), as to the Governing Body under the Scheme for the Limerick Endowment for Technical Education, and the Secretary was directed to write, in terms as drafted, to the Under Secretary, Dublin Castle, on the subject.

Letters also read:—

C. H. Brett (Jan. 13), as to the Ladies' Industrial School, Belfast.

W. Louis Gilliland (Jan. 13), as to the Gwyn and Young Endowments.

The Report of the Assistant Commissioners of September 27, 1892, with regard to Killinchy Schools, was brought up and agreed to; the Scheme to be proceeded with by the Judicial Commissioners.

The heads of a Scheme for the Love and Gardiner Endowments were discussed and agreed to.

It was agreed that the next batch of Schemes should be published on January 31, and that a set of Schemes should be prepared for signature by the Judicial Commissioners on January 23.

The Commissioners adjourned.

GERALD FRIZZIBONE,

January 18, 1893.

N. D. Murphy, Secretary.

January 18, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FRIZZIBONE, Mr. Justice O'BRIEN, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. G. Alcorn, Secretary, Commissioners of Charitable Donations and Bequests (Jan. 17), as to the Scheme for the Ulster Paul Endowment.

Rev. B. Moffat (Jan. 17), enclosing copy of Deed relating to Lord Weymouth's Endowed School, Carrickmacross.

D. R. Moore (Jan. 17), as to the Scheme for Killinchy Schools.

Rev. T. Moore (Jan. 14), as to the Scheme for Midleton Endowed School.

Rev. J. M. Hamilton (Jan. 17), as to the proposed Supplemental Scheme for Dublin Presbytery.

W. Louis Gilliland (Jan. 13), read a second time, as to the Gwyn and Young Endowments.

Herbert Taylor, H.C. Majesty's Stationery Office (Jan. 16), wants copies of the Schemes for the Gibson Schools, Oldcastle.

J. Taylor (Jan. 16), as to progress of the Scheme for the Erasmus Smith Endowments.

Rev. R. J. Ford (Jan. 16), as to the progress of the Scheme for the Sandford Endowment, Castlerea.

The Most Noble the Marquess of Dufferin and Ava (Jan. 13), as to the Scheme for the McGowen Endowments.

Rev. E. J. Clarke (Jan. 14), } As to Schedules to the Schemes for the Dioceses of Down

R. A. Peverel Maxwell, } and Connor and Dromore.

J. C. Fouaden (Jan. 14), as to the Ferne Diocesan Scheme.

T. T. L. Overend (Jan. 14), as to the Scheme for the Ulster Paul Endowment.

Replies, as drafted, ordered to be sent.

Letters also read:—

- Rev. Canon T. Twigg (Jan. 14), addressed to Dr. Traill, as to Swords Borough School (Oid).  
 W. M. Mitchell (Jan. 16), as to his valuation of Roxheenagh Road School Premises.  
 Rev. J. Biggins (Jan. 17), as to the Scheme for Connor Presbytery.  
 Rev. R. McBride (Jan. 17), as to Templepatrick Presbytery.  
 Rev. H. A. Bain (Jan. 17), as to Connaught Presbytery.  
 Rev. Alexander Gordon (Jan. 18), as to the Scheme for the Stanhope Street Schools, Belfast.  
 Messrs. Maunsell and Son, as to the Scheme for the Dungannon Free Schools.  
 W. G. Brooks (Jan. 16), as to the Scheme for the Victorian Jubilee Fund (Church of Ireland).

The following Agenda Paper was settled for the consideration of the meeting to be held on Saturday, January 21:—

To consider the Declarations of the Local Lieutenant in Council with regard to the following Schemes, with a view to the preparation of Amended Schemes:—

- No. 56. The Dissenters' Schools and Bangor Royal School Endowments, "Braekersugh Road."  
 No. 55. The Larney Endowment.

To consider the objections lodged to the following Draft Schemes:—

- No. 123. The Charltonville Endowment.  
 No. 125. The Charlton Endowment.  
 No. 130. The Standard Endowment, Castlerea.  
 No. 143. The Viscount Limerick's Endowment, Dundalk.  
 No. 146. The Orangefield Endowment, Ballymoney.  
 No. 148. Kilkenny Subscription School.  
 No. 149. The Fanebridge Technical School.

The Commissioners adjourned.

GERALD FITZGERALD,

January 20, 1893.

N. D. Murphy, Secretary.

January 20, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FREEMAN, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter from Alexander Gordon (Jan. 16), as to the Scheme for the Stanhope Street Schools, Belfast, was again brought up, and a reply, as drafted, ordered to be sent.

Letters read:—

- |                            |  |
|----------------------------|--|
| T. J. Nixon (Jan. 16),     | } As to the Scheme for Dungannon School. |
| Rev. R. Wallace (Jan. 17), |  |
- Very Rev. Dr. Skipton (Jan. 16), as to the Diocesan Scheme for Killala and Achonry.  
 Ven. Archdeacon Tait (Jan. 16), as to the Scheme for the Disease of Tum.  
 Sir W. Quaife Ewart (Jan. 16), as to the Scheme for the Diseases of Down and Connor and Donegal.

Replies, as drafted, ordered to be sent.

Letters also read:—

- J. Brown (Jan. 16), enclosing cost of publication of Scheme for the Belfast Natural History and Philosophical Society.  
 Rev. H. Kingsmill Morris (Jan. 16), as to the Church of Ireland Training College.  
 Rev. R. W. Bellard (Jan. 18), applying for copy of Scheme for the Limerick Endowment for Technical Education.

The Secretary reported the delay in the work of the Commission, owing to the want of expedition on the part of the Queen's Printer, and a letter, as drafted, was directed to be written to the Under Secretary, Dublin Castle, on the subject.

The Commissioners adjourned.

ANTHONY TRAILL,

N. D. Murphy, Secretary.

January 21, 1893.

January 21, 1893.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

The Under Secretary, Dublin Castle (Jan. 19), as to the Board of Trustees of the Limerick Endowment for Technical Education.

Rev. J. Wilson (Jan. 20), as to "Consent Forms" in connection with Donegal Presbytery. Replies, as drafted, ordered to be sent.

Letters also read:—

The Under Secretary, Dublin Castle (Jan. 19), covering enclosures as to provision to be made for the Committee for the coming year.

R. A. Purcell Maxwell (Jan. 20), as to Irish School, Diocese of Down and Connor and Dromore.

J. W. Anderson (Jan. 20), as to the Scheme for the Belfast Library and Society for Promoting Knowledge.

Drummond Grant (Jan. 20), as to the Supplemental Scheme for the Colman Academical Institution.

The result of the Public Inquiry held in Kilmacqua, on Friday, December 16, 1892, as to the Kilmacqua School and Poroval Endowment Scheme, was reported by the Commissioners who attended on the occasion, and the Secretary was directed to write, in terms as drafted, to the Clerk of the Crown and Peas for the county of Kildare on the subject.

The Scheme for the Diocesan Schools and Banagher Royal School Endowments was discussed, and having carefully considered the Architect's valuation of Roxborough Road School Premises, and the correspondence relating thereto, the Commissioners came to the conclusion that the actual site of the existing buildings, with so much of the adjoining land as was reasonably necessary for its use as a building, being about one-fourth of the entire space, ought to be excluded from the valuation of the land as building ground, if the valuation of the buildings was charged in full; on that basis they arrived at a valuation of £331, by deducting one-fifth of the full valuation of the lands from the total of £275, given in the Architect's Report.

With regard to the objections to the above Scheme, forwarded by Mr. Biggs on behalf of the Board of Education of the Diocese of Tuam, the Commissioners came to the conclusion that, in addition to the fact that the objections were not furnished before the Scheme was remitted, they would not open afresh the principle of the objections, having regard to the mode in which the Endowments of the Diocesan Schools were dealt with by the Church Act, and the sources from which the portions of these Endowments, dealt with by the Scheme, were derived.

The principles on which an amended Scheme for the above Endowments should be framed in pursuance of the Declaration of the Lord Lieutenant in Council, dated August 24, 1892, were settled in accordance with the above conclusions.

It was agreed that the two following Schemes should stand over for the presence of Monsignor Molloy:—

No. 123. The Charlottville Endowment, County Cork.

No. 125. The Charlton Endowment.

The principles on which Scheme No. 136, the Sandford Endowment, Castlerea, should be revised were settled, as follows:—

1. That the income should be paid to the Manager of the Estate School mentioned in the Scheme, so long as such School should be conducted under the Board of National Education.

2. That in the event of the School ceasing to be so conducted, the income should be paid to the Manager of such National School, within ten miles of Castlerea, as the Bishop shall under his hand certify to the Commissioners of Charitable Donations and Bequests to be a National School, in which the money may be applied as in the Scheme directed.

3. That failing such certificate, the income should be remitted by the said Commissioners until disposed of in accordance with the provisions of the Scheme, or until some alteration thereof be obtained.

4. That such alterations in the Scheme should be applied for by the Bishop.

The principles on which Scheme No. 145, The Oranmore Endowment, Ballymoney, should be revised, were agreed to, as follows:—

1. That the headings descriptive of the characters of the first named Trustees should be erased.

2. That the successors of these Trustees should be appointed in accordance with the provisions of the Scheme.

3. That the number of Trustees should not be increased as applied for by Rev. B. Knowles.

4. That with regard to the distribution of the Endowment, the Trustees should be entitled to call on the Managers of the Schools to furnish reports of attendance, and to verify the same.

The Secretary was directed to write, in terms as drafted, to the Right Rev. the Bishop of Elphin, as to the revision of the Scheme for the Sandford Endowment, Castlerea.

The Commissioners adjourned.

WILLIAM O'BRIEN,  
January 25, 1893.

N. D. Murphy, Secretary.

January 26, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
 Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignore MOLLOY,  
 Dr. THAHL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:

R. A. Perceval Maxwell (Jan. 23), as to Inch School, Dioceses of Down and Connor and Dromore.

Messrs. Baker and Ringwood (Jan. 23), as to the Scheme for the Royal Irish Academy of Music and Crokeson Endowment.

Most Rev. Dr. Fitzgerald, Lord Bishop of Ries (Jan. 23), addressed to Sir Thomas Brady, as to Baltimore Fishery School.

J. G. Alcock (Jan. 24), as to the Ulster Paul Endowment.

W. B. Lucy (Jan. 24), as to the Scheme for the Munster Dairy School and Agricultural Institute.

Replies, as drafted, ordered to be sent.

Letters also read:

Rev. B. Moffett (Jan. 21), sends receipt re Deed for Carrickmacross School.

Rev. J. W. Atkin (Jan. 25), as to the Scheme for Cork City Parochial Schools, and the Parochial Schools of the Dioceses of Cork, Cloyne, and Ross.

W. Bowen (Jan. 21), as to the Scheme for the Parochial Schools of the Dioceses of Ardagh and Cashel.

Very Rev. W. Warburton (Jan. 21), as to Bishop Hudson's Grammar School.

W. J. Midson (Jan. 21), as to the Anns Hall Endowment.

T. T. L. Overend (Jan. 21), re Urith Paul Endowment.

D. Preasly (Jan. 21), enclosing account for shorthand reports.

Rev. J. A. Bain (Jan. 20), re the Schools of Connacht Presbytery Scheme.

The state of the Schemes published for Larne Grammar School and the Strabane Academy was considered, and the Secretary was directed to write, in terms as drafted, to the Governing Bodies of both these Endowments.

#### *Progress of work of the Commission.*

I. It was finally arranged that the following list of Endowments should be dealt with in Draft Schemes to be published on January 31:—

Endowments of the Glendernot Presbytery.

Endowments of the Strabane Presbytery.

Edwards' Endowment, Castlederg.

Gardiner's Charity and Lovin's Charity.

Alexandria College and School (Supplemental).

Endowments of the Coleraine Presbytery.

II. With regard to the following Endowments, directions were given to the Secretary as subjoined in each case:—

"The Levings Charity."

That a Copy of the Founder's Will should be procured, and submitted to the Assistant Commissioners for their Report.

"The Notterville Charity, Dowish."

That a copy of the Founder's Will, and of the Chancery Scheme of 1832, should be procured, and submitted to the Assistant Commissioners for their Report.

"Mullabreck, Cahragh School."

"Jackson's Schools, Monaghan."

That letters should be written, in terms as drafted, to the Manager of each of these Schools.

"Quin's Charity, Tramore."

"Kilkenny Marriage Portions."

"Carlow Apprenticeship Fees."

That application should be made to the Commissioners of Charitable Donations and Requests for information as to these Endowments.

"Ardee Rent Charge."

It should stand over for the settlement of the Emma Smith question.

"Mason Blue School, Waterford."

At a letter should be written, in terms as drafted, to R. T. Carew.

"Drummond Institution, Clonmel."

At a letter should be written, in terms as drafted, to the Governors of the Institution. Commissioners adjourned.

GERALD MOLLOY,

January 27, 1893.

Murphy, Secretary.

January 27, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAHL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Oliver McQuade (Jan. 25), applying for Supplemental Schemes for the Methodist College, Belfast.

Rev. Dr. Johnston (Jan. 25), applying for modifications in the Schemes for Brown Street Sunday and Daily Schools, Belfast.

D. Grant (Jan. 24), as to the Supplemental Scheme for Colcaine Academical Institution.

Rev. P. J. Horgan (Jan. 7), addressed to Monsignor Molloy, as to a Bequest connected with the Mount Cashell Estate.

Replies, as drafted, ordered to be sent.

Letters also read:—

J. W. Dene (Jan. 25), as to the Kilmease School and Perseveral Endowment.

Rev. Canon Bellingham (Jan. 23), stating that no modification is required in the Scheme for the Diocese of Down.

The Assistant Secretary was directed to write, in terms as drafted, to the Agent of the Mount Cashell Estate, for information as to the Bequest referred to in the letter of the Rev. P. J. Horgan.

It was directed that a list of the Endowments for which Amending Schemes are required should be made out.

H. B. WILSON,

January 28, 1893.

Frederick Redmond, Assistant Secretary.

January 28, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. Quarius Ewart (Jan. 27), as to the Governing Body of the Scheme for the Dioceses of Down and Connor and Dromore.

Rev. C. Bowyer (Jan. 27), objecting to the Schedules of the same Scheme.

Replies, as drafted, ordered to be sent.

A letter (Jan. 25) from Rev. O. McCubbin, as to the Methodist College, Belfast, was again brought up, and a letter, as drafted, ordered to be written in reply.

The following Draft Schemes were considered and passed, and ordered to be published.

No. 157. Love's Charity and Gardiner's Charity, Dublin.

No. 158. Endowments of the Presbytery of Glenside.

No. 159. Endowments of the Presbytery of Strabane.

No. 170. The Edwards Endowment, Castlederg.

The question of the Braham (Otter) Endowment was considered, and it was agreed:—

That no action is necessary, as the Endowment is at present being applied for Educational purposes by the Trustees, who have authority to distribute it in accordance with the Will of the Founder.

With regard to the following Endowments, rulings as subjoined were made:—

"Foyle College."

"The Commissioners having considered their resolution of April 29, 1887 (Report 1886-87, page 58), 'That the Scheme be not finally adopted and published until the Commissioners have a further opportunity of considering how the claims of the several religious denominations in the locality can be satisfied.'

It was agreed:—

"That it appearing that the Public Endowments in Maynooth College are now represented by the buildings, and that the annual contributions of the Irish Society cannot be dealt with as Endowments under the Act, the Commissioners do not think it expedient to prepare a Scheme."

"The present Endowments could not be transferred to any other Institution, and no sufficient reason appears for interfering with their present management, which is carried on under the Act 37 & 38 Victoria, cap. 70."

"Parson Purse's Charity."

It was agreed that a Scheme should be prepared, and the heads of the same were settled.

"Stratford Lodge Schools."

A letter, as drafted, was ordered to be written to the Commissioners of Charitable Donations and Bequests on this subject.

"Townsend Street Female Orphan School."

Same as Stratford Lodge Schools.

"Crofton's School, Wicklow."

It was agreed that no Scheme was required.

The Assistant Secretary was directed to write, in terms as drafted, to persons interested in the following Endowments, with a view to eliciting information as to the advisability of preparing Schemes for the same:—

Clonmel Charitable School,  
Lowton Apprenticeship Fund (Unitarian).  
Addiscombe School, Brixton.  
Stonyford School, Kilkenny.  
Hill Schools, New Ross.  
Ballymoyle School, \*  
Killiney National School.  
Roda's Endowment, Aghadoe.  
Cork School of Science, Art, and Music.  
Albany Street Schools, Armagh.  
Tompkinson, Carrickcraig, School.  
Aghadoe, Crilly, School.  
Unitarian Schools, Dublin.  
Clontapher School.  
Trinity Church Infant School, Belfast.

The Assistant Secretary was directed to write, in terms as drafted, to Mr. Arthur Trench, in reply to his letter (Jan. 27), as to the copy deed relating to Currikmacross School.

The Commissioners adjourned.

ANTHONY TRAILL,  
February 3, 1893.

Frederick Redmond, Assistant Secretary.

February 1, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The Draft Schemes for the following Endowments were submitted, passed, and ordered to be published:—

No. 171. Alexandra College and Alexandra School (Ainscough Scheme).  
No. 172. Colchester Presbiterian Endowments.

Correspondence as to various Endowments were reported.

The Commissioners adjourned.

ANTHONY TRAILL,  
February 3, 1893.

Frederick Redmond, Assistant Secretary.

February 3, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAIL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Letters read:—

- B. R. Balfour (Jan. 30), suggesting amendments in the Scheme for the Leigh Charity.
- S. Brown (Jan. 30), suggesting amendments in the Scheme for the Belfast Natural History and Philosophical Society.
- Rev. J. J. McEvil (Feb. 1), as to Hermit's Charity, Templeboy.
- Rev. W. M. Mallon, D.D., suggesting amendments in the Scheme for the Methodist Female Orphan School.

Replies, as drafted, ordered to be sent.

Letters also read:—

- Rev. J. F. Cain (Feb. 1), as to Peartington Endowed School.
- Rev. D. H. Powell, D.D. (Jan. 30), as to the Supplemental Scheme for the City of Cork Parochial Schools, and Cork, Clonyc, and Ross Parochial Schools.
- Rev. H. S. O'Leary (Jan. 28), as to Jackson's Schools, Monaghan.
- W. Browne Clayton (Jan. 31), as to the Carlow Apprenticeship Fees.
- Right Rev. the Lord Bishop of Limerick (Jan. 31), as to the Limerick Diocesan School Scheme, and the Adelaide School, Beaufort.
- The Secretary, Commissioners of Education in Ireland (Feb. 1), as to the Ulster Royal Schools Scheme.
- Rev. F. W. Davis (Jan. 30), as to the Schedules to the Schemes for the Dioceses of Down and Connor and Dromore.
- The Under-Secretary, Dublin Castle (Jan. 27), enclosing letter, re the delay in the printer's office.
- A. Birmingham, M.A. (Feb. 1), stating that no modification is required in the Scheme for the Catholic University School of Medicine.
- Rev. W. H. James, D.D. (Jan. 30), as to Supplemental Scheme for the Diocese of Armagh.

The following letters were referred to the Judicial Commissioners:—

- Rev. G. McCloskey (Feb. 2), as to the Arklow Endowment, County Roscommon.
- F. M. Steele (Feb. 1), as to the Scheme for the Strabane Academy.

Correspondence supplying information with regard to the drafting of various Schemes was reported.

It was decided that Draft Schemes should be prepared for the following Endowments:—

- Jackson's School, Monaghan.
- Carlow Apprenticeship Fees (Brown's).
- Mallamore, Colbragh, School.

It was agreed that no Scheme was required for the Drummond Institution, Chapelizod.

The question as to whether Amending Schemes should be prepared in cases where additions to the Schedules only were required, was discussed, and it was ruled that there was no objection to the adoption of such a course.

It was decided that Schemes should be prepared for Amending the Schemes for the following Endowments on the lines specified:—

- No. 1. Swords Borough Schools.
- No. 4. Methodist Female Orphan School.
- No. 10. Methodist College, Belfast.
- No. 38. Baltimore Primary Schools.
- No. 2. Church of Ireland College, and Kildare Place Society.
- No. 88. Parochial Schools of the Diocese of Armagh.
- No. 118. Belfast Natural History and Philosophical Society.

The Commissioners adjourned.

H. B. WILSON,  
February 4, 1893.

Frederick Redmond, Assistant Secretary.

February 4, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

W. A. Cooper (Feb. 5), gives particulars re Carlow Apprenticeship Fees (Brown's).  
Rev. J. B. Keen (Feb. 5), as to modifications required in the Scheme for the Parochial Schools of the Diocese of Meath.  
Colonel Forster (Feb. 5), as to modifications required in the Scheme for Swords Borough Schools.

Replies, as drafted, ordered to be sent.

Letters also read:—

Right Rev. the Lord Bishop of Ossory (Feb. 2), as to the Kilkenny Marriage Portions.  
W. Harper (Feb. 3), as to additions to the Schedule to the Strabane Presbytery.  
W. J. Fleming (Feb. 3), as to Watt's School, Lurgan.  
A. Turner (Feb. 3), as to the Scheme for the Orphan Society of the Association of Irish Non-Subscribing Presbyterians and other Free Christians.  
His Grace the Lord Archbishop of Dublin (Feb. 3), addressed to Lord Justice FitzGibson, enclosing letter from Rev. T. Twigg, as to modifications required in the Scheme for Swords Borough Schools.  
M. FitzGerald (Feb. 3), addressed to Lord Justice FitzGibson, as to the Belfast Natural History and Philosophical Society.

The Assistant Secretary was directed to write, in terms as drafted, to the Under Secretary, Dublin Castle, and the Secretary, Messrs. Alexander Thom and Company, in connection with the recent delay in the printing work of the Commission.

The Endowments intended to be dealt with by Schemes to be published on February 28 were considered.

The Commissioners adjourned.

GERALD FITZGIBSON,

February 9, 1893.

Frederick Redmond, Assistant Secretary.

February 9, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Monsignor MOLLOY,  
Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

W. A. Cooper (Feb. 7), as to the Carlow Apprenticeship Fees.  
W. P. Chapman (Feb. 7), as to the Incorporated Society Schools.  
The Secretary, Sullivan's School, Holywood (Feb. 7), as to Amendments required in Scheme.  
The Under Secretary, Dublin Castle (Feb. 7), as to the Board of Trustees of the Linseck Endowment for Technical Education.  
H. Fossitt (Feb. 6), as to Amendments required in the Scheme for Morgan's School, Cuthlacke.  
The Secretary, Commissioners of Public Works (Feb. 8), as to the offices of the Commission.  
Rev. J. McCullagh (Feb. 8), as to Audit of Accounts in connection with the Hallyhay Presbytery Scheme.  
W. R. Orr (Feb. 8), as to the preparation of a Scheme for the Committee of the Strabane Schools.  
Messrs. L'Estrange and Brett (Feb. 8), as to the proposed Scheme for the North East Agricultural Association.  
Rev. W. Johnston, n.p. (Feb. 4), as to the Amendments in the Scheme for the Brown Street Sunday and Daily Schools, Belfast.  
The Governing Body, Joseph Brown's Endowment (Jan. 31), as to Amendments in the Scheme.  
Rev. Dr. Chancellor (Feb. 3), as to the Belfast Royal Academy Scheme.  
F. B. Ormsby (Feb. 7), as to the Scheme for Gardiner's Charity and Lov's Charity.

Replies, as drafted, ordered to be sent.

Letters also read:—

- Rev. J. Corkery (Feb. 3), giving additions to the Schedule of Glendernot Presbytery Scheme, J. M. Lynn (Feb. 4), as in Abbey Street Schools, Armagh.
- W. MacFarland (Feb. 4), as to Amendment in the Scheme for Currie School, Belfast.
- Rev. J. Dowd (Feb. 4), as to proceeding with the Scheme for the Parochial Schools of the Diocese of Limerick.
- Rev. R. S. D. Campbell (Feb. 5), as to the Ardkeenian Endowment.
- Right Rev. the Lord Bishop of Ossory (Feb. 5), as to the Kilkenny Marriage Portions.
- Ven. Archdeacon Tait (Feb. 8), as to Amendments in the Scheme for the Diocese of Tuam.
- F. B. Stolin (Feb. 8), as to the Strabane Academy Scheme.
- J. T. Danes Longworth (Feb. 7), as to the Scheme for Gardiner's Charity and Love's Charity.
- H. H. Fotheringham and Son (Feb. 6), enclosing statement as to Boche's Endowment, Aghadoe School.
- N. Hon. Dyas (Feb. 6), as to Lismaboe School.
- T. R. G. José (Feb. 6), as to the Scheme for the Royal Irish Academy of Music, and Conlon Endowment.
- Rev. R. Watson (Feb. 3), sends information re Omagh Presbytery.
- Very Rev. Dean Campbell (Feb. 7), as to the Scheme for the Parochial Schools of the Dioceses of Down and Connor and Dromore.
- Rev. Canon Twigg (Feb. 6), as to Swords Borough Schools.
- Right Rev. the Lord Bishop of Cork, Cloyne, and Ross (Feb. 4), as to Amendments in the Scheme for those Dioceses.
- Rev. R. Mitchell (Feb. 8), as to Ahoghill Presbytery.

With regard to the following Endowments, it was agreed that there did not appear to be any necessity that Schemes should be prepared:—

The Kilkenny Marriage Portions (Chaplin).

The Abbey Street Schools, Armagh.

The question of the Ardkeenian Endowment was referred to Dr. Traill, as to whether it should be dealt with in an Amending Scheme for the Parochial Schools of the Diocese of Meath.

The application with regard to Currie School, Belfast, was referred to Dr. Wilson, and whether an Amended Scheme should be prepared with reference thereto.

The communication from N. Hon. Dyas, Esquire, as to Lismaboe School, was referred to Lord Justice FitzGibbon.

The Commissioners adjourned.

GERALD FITZGERALD,

February 10, 1893.

Frederick Redmond, Assistant Secretary.

February 10, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOT, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

- Rev. B. Montgomery (Feb. 6), as to Oriff National School, Aghadoe.
- Rev. G. Knew (Feb. 6), as to Audit of Accounts in connection with the Sabbath School Society for Ireland in connection with the Presbyterian Church.
- Rev. L. C. Warren (Feb. 8), as to Channel Charitable School.

Replies, as drafted, ordered to be sent.

Letters also read:

- Rev. R. G. Clarke (Feb. 6), as to Trinity Church Infant School, Belfast.
- D. Grant (Feb. 9), as to proposed Amending Scheme for Colcannon Academy Institution.
- Right Rev. Lord Bishop of Clogher (Feb. 9), enclosing objections to Draft Scheme for Lord Weymouth's Grammar School, Carrickmacross.

The statement of Rev. R. S. D. Campbell, as to Ardkeenian Endowment, was under consideration, and it was directed that a copy of the statement, together with the letter as drafted, should be sent to the Rev. G. McClenaghan.

Dr. Wilson submitted a letter (Feb. 8) from Rev. R. Watson, as to the preparation of a Scheme for the Presbytery of Athlone, and a reply, as drafted, was ordered to be sent.

The Commissioners adjourned.

GERALD MOLLOT,

February 11, 1893.

Frederick Redmond, Assistant Secretary.

February 11, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting read and confirmed.

Letters read:—

- Rev. J. J. Malvin (Feb. 9), making a statement as to Burne's Charity, County Sligo.  
E. Flynn (Feb. 10), as to the Rahan (Coláiste) Kilawicklow.  
J. Pyne (Feb. 10), as to the Scheme for the McNamee Endowments.  
The Committee of Killard Presbyterian Church (Feb. 9), as to the Scheme for Dungonell School, County Antrim.

Replies, as drafted, ordered to be sent.

Letters also read:—

- Rev. G. H. Peyton (Feb. 6), as in Glenamher School.  
J. Brown (Feb. 7), as to the Amending Scheme for the Belfast Natural History and Philosophical Society.  
Rev. C. W. Hunter (Feb. 10), as in General Form for Coleraine Presbytery.

It was agreed that the following list of Schemes should be prepared for submission to the Lord Lieutenant on February 27:—

- No. 90. Diocesan Schools and Daingerfield Royal School Endowments. (Amended Scheme.)  
No. 121. The General Stephen Home Endowments.  
No. 123. The Charleville Endowments.  
No. 142. The City of Cork Parochial Schools, and Cork, Cloyne, and Ross Parochial Schools. (Amending Scheme.)  
No. 149. The Presb. Technical School.  
No. 153. The Dublin Protestant Refectorary Schools.

The Commissioners adjourned.

ANTHONY TRAILL,

February 15, 1893.

Frederick Rodmond, Assistant Secretary.

February 15, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting were read and confirmed.

Letters read:—

- Moses Carlton, Atkinson, and Sloan (Feb. 13), as to Devery School, Diocese of Armagh.  
Rev. M. Murphy (Feb. 13), as to Ashlawn Presbytery.  
W. Brown Clayton, two letters (Fols. 13 and 14), as to the Carlow Apprenticeship Fees.  
R. Quay (Feb. 13), as to the preparation of a Scheme for the Mason Blue School, Waterford.

Replies, as drafted, ordered to be sent.

Letters also read:—

- Rev. R. G. M. Webster, as to the Dublin Protestant Refectorary Schools.  
R. H. F. Dixey (Feb. 11), stating that no modifications are required in the Scheme for the Londonderry Academical Institution.  
R. M. Douglas (Feb. 13), as to Glenarm National School.  
W. L. Gilliland (Feb. 13), as to the constitution of the "Young" Governors.  
W. R. Orr (Feb. 11), as to the proposed Scheme for the Stephan Schools.  
Rev. C. K. Toland (Feb. 11), applies for copy of the Scheme for Glensarm Presbytery.  
Rev. J. Bealy, n.c. (Feb. 11), as to the Parsons Smith Endowments.  
Rev. J. A. Bain (Feb. 11), as to the Coleraine Presbytery Scheme.  
Rev. J. W. Davis (Feb. 11), as to the Schedules of the Scheme for the Dioceses of Down and Connor and Dromore.  
Rev. S. E. Dunphy James (Feb. 10), as to the Glenarm School.

A letter (Feb. 10), from Messrs. M'Neill and Williams, as to the Kirkpatrick Endowment, County Antrim, was read, and referred to the Judicial Commissioners.

With reference to the Carlow Apprenticeship Fees, Wednesday, February 22, was fixed for a conference with those of the Trustees who should wish to attend, as to the expediency of preparing a Scheme for the Endowment.

Certain questions with regard to the Scheme for the Parsons Poors Endowment were brought up and considered.

The Commissioners adjourned.

WILLIAM O'BRIEN,

Frederick Rodmond, Assistant Secretary.

February 17, 1893.

February 17, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

James McIlrath (Feb. 15), as to the Scheme for Dungannon School, Kilhead.  
Rev. L. C. Warren (Feb. 15), as to the Clerical Charitable School.

B. Montgomery (Feb. 15), as to Crilly National School, Aghalee.

Reply, as drafted, ordered to be sent.

Letters also read:—

James P. Butler (Feb. 15), as to Consents for the Endowments of the Templepatrick Presbytery.

Rev. J. W. Atkin (Feb. 15), as to the Schemes for the City of Cork Parochial Schools, and Cork, Cloyne, and Ross Parochial Schools.

The letter (Feb. 13), from Mr. Douglas, as to Ganahy National School, was again brought up, and a reply, as drafted, ordered to be sent.

The correspondence with the application for an Amending Scheme for Curris School, Belfast, was considered, and the question was referred to the Judicial Commissioners.

The following Amending Schemes were considered and passed:—

173. Belfast Natural History and Philosophical Society.
174. Armagh Parochial Schools.
175. Baltimore Fishery School.
176. Swords Borough Schools.
177. Methodist Female Orphan School.

A letter, as drafted, was directed to be written to the Rev. W. McMullen on the subject of the last mentioned Scheme.

The Commissioners adjourned.

GERALD FITZGIBSON,

February 18, 1893.

Frederick Redmond, Assistant Secretary.

February 18, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Surgeon Wheeler and Mr. Kennedy attended with the Commissioners, with regard to the Scheme for the Kilmacgo School and Perseveri Endowment, and it was agreed that in the revision of the Scheme the following amendments should be made:—

1. That the Schoolmaster be allowed to remain in the old Schoolhouse until a new Teacher's residence be built.
2. That the Governors be empowered to build a Teacher's residence on the plot of ground adjoining the new Schoolhouse, reserved by Sir Gerald Aylmer.
3. That the Governors be empowered to sell or otherwise dispose of the old Schoolhouse, provided that in case of sale, the right of pre-emption be given to Sir Gerald Aylmer.

Letters read:—

Meurs, Rose and Falkiner (Feb. 17), enclosing statement as to the Damer (Unitarian) Schools.

Rev. B. McFettr (Feb. 17), objecting, on behalf of the Select Vestry of Carrickmacross, to the Scheme for Lord Weymouth's Grammar School.

William Brown Clayton (Feb. 17), as to Carlow Apprenticeship Fees (Brown's).

Rev. A. Harvey (Feb. 17), addressed to Dr. Trail, as to the Conach Endowment, Athboy.

The Secretary, Board of Works (Feb. 17), as to the occupation of the Office by the Commission after July 31, 1893.

The application for an Amending Scheme for the Curris School, Belfast, was considered, and it was agreed that such a Scheme should be prepared.

The Declaration of the Lord Lieutenant in Council in connection with the Scheme for the Leamay Endowment, Limerick, was discussed.

The Commissioners adjourned.

H. B. WILSON,

February 24, 1893.

Frederick Redmond, Assistant Secretary.

February 23, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Dr. TRAHLA, Dr. WILSON.

**THE CARLOW APPRENTICESHIP FEE (BROWNE'S).**

William Browne Clayton, Esquire, D.L., and William A. Cooper, Esquire, J.P., attended at the office, and conferred with the Commissioners as to the question of preparing a Scheme for the above Endowment.

It was decided that a Scheme should be prepared, and the terms of the same were agreed to.

The Commissioners adjourned.

Frederick Redmond, Assistant Secretary.

W. B. WILSON,  
February 24, 1893.

February 24, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, MORRIGAN MOLLOY,  
Dr. TRAHLA, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Letters read:—

R. W. Aldworth (Feb. 20), as to provisions of Scheme for the St. Leger Aldworth Endowment.

Secretary, Commissioners of Charitable Distributions and Beggars (Feb. 20), as to Stafford Lodge Schools.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. G. McCleughan (Feb. 16), two letters, as to the Arkleman Endowment.

Rev. B. Jeffroy (Feb. 23), sends information re Armagh Presbytery.

J. J. Maguire (Feb. 18), sends objections to Scheme for Lord Weymouth's Grammar School, Carrickmacross.

T. Troughton (Feb. 17), sends objections to a Scheme for Lord Weymouth's Grammar School, Carrickmacross.

Rev. J. M. Hamilton (Feb. 18), objects on behalf of the Dublin Presbytery to the Scheme for Rathmines Sunday and Daily Schools.

J. P. Smooth (Feb. 18), sends amendments to the same Scheme.

William Browne Clayton (Feb. 23), sends suggestions re proposed Scheme for the Carlow Apprenticeship Fees.

The Secretary, Commissioners of National Education (Feb. 17), as to Aghada National School, and as to Kilicoe National School.

C. Flynn (Feb. 18), as to the (Rahan) Cottier Endowment.

J. Kennedy (Feb. 23), as to Lorna Grammar School.

Rev. H. Kingsmill Moore (Feb. 23), enclosing suggestions for amending Scheme for the Church of Ireland Training College and Kildare Place Society.

Rev. T. R. S. Collins (Feb. 23), approving of the Amending Scheme for Alexandra College and Alexandra School.

The following letters were read, and directions given on their respective subjects:—

Messrs. Armstrong and Mulvan (Feb. 23), as to the Parcian Power Endowment.

T. Megaw (Feb. 20), as to Garrow School in connection with the Rosso Presbytery.

The following Schemes were considered and passed:—

No. 178. Omagh Presbytery.

No. 179. Donegal Presbytery.

It was agreed that Draft Schemes for the following Endowments should be published on Saturday, March 18:—

**A.—Amending Schemes:—**

Church of Ireland Training College and Kildare Place Society.

Morgan's School, Castlereagh.

The Currie School, Belfast.

The Robertson Endowments, Derry.

The Parochial Schools of the Diocese of Meath.

Ballybay Presbytery.

**B.—Original Schemes:—**

Stafford Lodge Schools.

Irish Clergy Daughters' School.

The Orphan Apprenticeship Fund.

The Mason Blue School, Waterford.

Armagh Presbytery.

Athlone Presbytery.

Browne Clayton's Apprenticeship Fund, Carlow.

The Commissioners adjourned.

Frederick Redmond, Assistant Secretary.

WILLIAM O'BRIEN,

February 25, 1893.

February 25, 1893.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

R. M. Douglas (Feb. 24), as to Gansby School in connection with the Route Presbyterian  
Society.

Rev. A. Harvey (Feb. 23), gives information as to the Casack Apprenticeship Fees, Athboy.  
Replies, as drafted, ordered to be sent.

Letters also read:—

W. Brown Clayton (Feb. 25), as to the Cadlow Apprenticeship Fees.

Rev. R. M'Morris (Feb. 25), sends additions for Schedule of Letterkenny Presbytery.

Scheme No. 180, for the Parsons Perse Endowment, County Galway, was considered and  
passed, subject to revision by Lord Justice FitzGibbon.

The correspondence as to the Ardkeenan Endowment in connection with the Schemes  
for the Parochial Schools of the Diocese of Meath was discussed.

The Commissioners adjourned.

GERALD FITZGIBBON,

March 2, 1893.

Frederick Redmond, Assistant Secretary.

March 2, 1893.

Meeting of the Commission held this day at the Office, 25, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. Morris (Feb. 28), as to Gray Abbey, Tullynavey, School, County Down.

Rev. W. Ulster (Mar. 1), as to Stratford Lodge Schools, Baltinglass.

Rev. J. Wilson (Feb. 28), as to property belonging to Rathfriland Presbytery.

G. H. Mahon (Feb. 28), as to the Parsons Perse Endowment, County Galway.

R. M. Douglas (Feb. 28), as to Gansby School in connection with the Route Presbytery.

Replies, as drafted, ordered to be sent.

Letters also read:—

M'Neill and Williams (Feb. 27), as to the Kirkpatrick Endowment, County Antrim.

Rev. W. Reid (Feb. 27), as to the Presbytery of Magherfeile.

M. Comerford (Feb. 27), as to the Viscount Limerick Endowment.

Rev. J. McCay (Feb. 28), gives information as to Donegal Presbytery.

Rev. O. McCutcheon (Feb. 28), as to the application for an Amending Scheme for the  
Methodist College, Belfast.

J. E. McGill (Feb. 28), enclosing cast of publication of the Draft Schemes for Hugh Henry  
Boyds Endowment.

Rev. T. Mudill (Feb. 28), applies for copy of Derry Diocesan Scheme.

The Commissioners adjourned.

GERALD MOLLOY,

March 4, 1893.

Frederick Redmond, Assistant Secretary.

March 4, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. C. Baskin (Mar. 2), applying for a copy of the Scheme for Edwards Endowment, Castlederg.

Messrs. H. T. Dix and Sons (Mar. 3), as to the proposed Scheme for the Incorporated Society.

Rev. J. M. Hamilton, n.s. (Mar. 2), as to the Dublin Presbytery Amending Scheme.

J. Brown (Mar. 1), applying for copies of Amending Schemes for the Belfast Natural History and Philosophical Society.

M. Connerford (Mar. 2), as to correspondence re the Viscount Limerick Endowment, Dundalk.

The terms of an application for an Amending Scheme for the Church of Ireland Training College and Kildare Place Society were considered, and the Secretary was directed to write, in terms as drafted, to the Rev. H. Kingsmill Moore on the subject.

The lines on which a Scheme should be prepared for the Mason Blue School, Waterford, were discussed and agreed to.

The Commissioners adjourned.

GERALD FITZGIBBON,

March 9, 1893.

Frederick Redmond, Assistant Secretary.

March 9, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

Messrs. R. T. and R. C. Carow (Mar. 6), as to the provisions of the proposed Schemes for the Mason Blue School, Waterford.

Rev. S. Dickson (Mar. 6), as to supplying information for the Down Presbytery Scheme.

G. K. Mahon (Mar. 6), as to information regarding the Parsons' Pews Endowment.

Rev. Canon Ryan (Mar. 7), as to Roche's Endowment, Athlone.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. A. Harvey (Mar. 5), enclosing document as to the Cork Apprenticeship Tax, Athboy.

Rev. C. K. Toland (Mar. 4), sends corrections to Scheme for Strabane Presbytery.

W. Browne Clayton (Mar. 6), as to the Cork Apprenticeship Tax.

The Secretary, Commissioners of Charitable Distributions and Requests, two letters (Mar. 4), as to the McGowen Endowments, and Lord Weymouth's Grammar School, Carrick-on-Suir.

The Secretary reported a communication from Rev. H. Kingsmill Moore, to the effect that it will be inconvenient for His Grace the Archbishop of Dublin to attend the conference proposed to be held on Saturday, the 11th instant, in connection with the proposed Amending Scheme for the Church of Ireland Training College, and it was directed that arrangements should be made to hold the conference on a more convenient day.

The Commissioners adjourned.

ANTHONY TRAILL,

March 11, 1893.

Frederick Redmond, Assistant Secretary.

March 11, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. N. H. James (Mar. 10), applying for copies of Armagh Diocesan Scheme.

Rev. J. H. Gashell, D.D., objecting to the Draft Scheme for Edwards Endowment, Castlederg.

Rev. J. Wilson (Mar. 10), as to property in connection with Rathfriland Presbytery.

Replies, as drafted, ordered to be sent.

The Schemes for the following Endowments were considered and passed:—

No. 181. Morgan's School, Castleknock, Amending Scheme.

No. 182. Currie School, Belfast, Amending Scheme.

No. 183. Brown's Apprenticeship Fees, Carlow.

No. 189. Mason Blue School, Waterford.

No. 190. Banbridge Lodge Schools, Ballyglass.

It was agreed that the proposed conference with the Governors of the Church of Ireland Training College, with reference to their application for an Amending Scheme, should be held on Thursday, the 16th instant, at 12 o'clock, and the Secretary was directed to notify the same to the Rev. H. Kingmill Moore.

With reference to the Roche's Endowment, Aghada National School, it was agreed that there did not appear to be any necessity for the preparation of a Scheme for the same.

The Commissioners adjourned, having decided to hold Public Sittings on the day and at the hours mentioned, as follows:—

Tuesday, March 22, 1893.

Monaghan, at the Court House, at 10.15 A.M.—Jackson's Schools.

Cahragh Schoolhouse, Mullagrock, County Armagh, at the School, at 2.45 P.M.—McCreight's Endowment, Mullagrock School.

The Commissioners adjourned.

H. B. WILSON,

March 14, 1893.

Frederick Rodmond, Assistant Secretary.

March 14, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

W. L. Gilliland (Mar. 11), as to state of Amending Scheme for the Gwyn and Young Endowments.

J. W. McNamee (Mar. 11), as to Larne Town Hall.

Messrs. S. R. Fotheringham and Son (Mar. 11), as to Roche's Endowment, Aghada National School.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. J. M. Hamilton (Mar. 9), as to Dublin Presbytery.

Rev. J. H. Gashell, objecting, on behalf of the Select Vestry of Castlederg, to the Scheme for Edwards Endowment, Castlederg.

Messrs. H. T. Dix and Sons (Mar. 13), as to the Scheme for Gardiner's Charity and Love's Charity, Diocese of Dublin.

Rev. W. L. Berkeley (Mar. 13), sends additions to Schedules of the Scheme for the Belfast Presbytery.

The Secretary reported that it would be inconvenient for His Grace the Archbishop of Dublin to attend on Thursday, the day fixed for the holding of the proposed conference as to the application for an Amending Scheme for the Church of Ireland Training College, and it was agreed that His Grace's convenience should be further consulted as to the fixing of a day for this purpose.

The Schemes for the following Endowments were considered and passed:—

No. 184. The Endowments of the Banbridge Presbytery, Amending Scheme.

No. 185. The Endowments of the Dublin Presbytery, Amending Scheme.

No. 186. The Cusack Apprenticeship Fees, Athboy.

No. 191. The Endowments of the Armagh Presbytery.

It was decided that the following Endowments should be dealt with in the batch of Schemes to be published on Thursday, March 30, 1893:—

**A.—Amending Schemes:—**

1. Sullivan Schools, Holywood, County Down.
2. Parochial Schools of the Diocese of Meath.
3. Gwyn's Charitable Institution and Young's Endowment.
4. Church of Ireland Training College.

**B.—Original Schemes:—**

1. Unitarian Schools, Stephen's Green.
2. Connel Charitable School.
3. Crilly School, Aghaboe.
4. Crosskill School, County Antrim.
5. Endowments of the Down Presbytery.
6. Incorporated Society's Schools.
7. Irish Clergy Daughters' School.

The question as to whether Amending Schemes should be prepared for the following Endowments was ordered to be brought up at a full meeting of the Commission:—

1. St. Peter's Schools and Mrs. Wray's School.
2. Joseph Brown's Endowment, Ards.

The Commissioners adjourned.

GERALD FITZGERALD,

Frederick Redmond, Assistant Secretary.

March 16, 1893.

March 16, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. A. Harvey (Mar. 14), giving information as to the Orack Apprenticeship Fund, Athboy.

Sir T. F. Brady (Mar. 17), as to the Amending Scheme for Baltimore Fishery School.

The letter (Mar. 11), as to Larne Town Hall was again brought up, and the Secretary was directed to write, in terms so drafted, to Mr. McNamee on the subject.

The circumstances of the following Endowments having been considered, it was decided that it was not necessary that Schemes should be prepared for their future management:—

- The Living Charity, Kilkenny.
- The Netterville Charity, Dowth.
- Trinity Church Schools (apparently exempt).
- Diceman School, Wicklow (apparently exempt).
- Ballymoyle National School (apparently exempt).
- Cork School of Science, Art, and Music.
- School of Industry, Lady Lane, Waterford.
- Cumberland School, County Antrim.
- Carryduff National School, Tyrella (apparently exempt).
- Shrigley National School, Kilkeel.
- Talbot-an-earig National School, Innisharry.

It was decided that the Belfast Hospital for Sick Children was a Non-Educational Endowment.

The circumstances of the following Endowments having been considered, it was decided that Schemes should be prepared for their future management:—

- Glasnevin School, County Antrim.
- The Kirkpatrick Endowment, Larne.
- North East Agricultural Association.
- Belfast Presbytery.
- Athlone Presbytery.
- Tollycavvy National School, Grey Abbey.
- St. Peter's Schools, and Mrs. Wray's School, Amending Scheme.

Decisions were suspended in the cases of the Jackson Schools, Monaghan, and Cabragh School, Mullaghbrack, pending the Public Inquiry to be held on Wednesday, March 29.

The Schemes for the following Endowments were considered and passed:—

- No. 165. The Endowment of the Rathfriland Presbytery.
- No. 187. The Robertson Endowments, and other Endowments in the Diocese of Raphoe.

The Commissioners adjourned.

Frederick Redmond, Assistant Secretary.

GERALD MOLLOY,

March 22, 1893.

March 17, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY.

## THE CHURCH OF IRELAND TRAINING COLLEGE and KILDARE PLACE SOCIETY—APPLICATION FOR AN AMENDING SCHEME.

The following Representatives of the Governing Body of the above Endowment attended and conferred with the Commissioners, as to the preparation of an Amending Scheme for the Endowment:—

His Grace the Lord Archbishop of Dublin.

The Very Rev. the Dean of the Chapel Royal.

Rev. H. Kingsmill Moore.

The principles on which the Amending Scheme was to be prepared were agreed to.

The Commissioners adjourned.

GERALD MOLLOY,

March 22, 1893.

Frederick Redmond, Assistant Secretary.

March 22, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Letters read:—

Rev. R. Jeffrey (Mar. 21), as to Armagh Presbytery, with an enclosure as to Tandragee Church property.

Rev. O. K. Toland (Mar. 20), as to Cossent's Strabane Presbytery.

Rev. A. McCullin (Mar. 17), as to Ballinahinch National School.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. R. Neilson (Mar. 17), as to Donegal Presbytery.

The Secretary, Commissioners of National Education (Mar. 18), as to Caheragh School, Mallusk.

The Secretary, Representative Church Body (Mar. 17), as to the Parochial Schools of the Diocese of Clogher.

J. McCallagh (Mar. 19), as to Monaghan Courthouse in connection with the Public Sitting to be held on the 20th instant.

Rev. J. FitzGerald, two letters (Mar. 17 and 22), as to Crosskill School, County Antrim.

Rev. T. R. Coulam (Mar. 16), sends consent in connection with Coleraine Presbytery.

Rev. E. H. Harshaw (Mar. 21), as to the Amending Scheme for Dublin Presbytery.

Rev. W. Irwin (Mar. 21), enclosing suggestion as to Coleraine Presbytery Scheme.

The suggestions submitted by Rev. W. L. Berkeley, with regard to the Belfast Presbytery Scheme, were considered and adopted.

The application for an Amending Scheme made by the Governors of Joseph Brown's Endowment, Ards, was considered and referred to Monsignor Molloy.

It was provisionally agreed that Schemes dealing with the following Endowments should be published on Thursday, the 30th instant:—

## A.—Original Schemes:—

- Irish Clergy Daughters' School.
- Glenarm Parsonage School.
- Dunfer School, Unitarian.
- Clonard Charitable School.
- Crilly School, Aghalee.
- Crosskill School.
- Down Presbytery.
- Tullymore, Grey Abbey, School.
- Armagh Presbytery.

## B.—Amending Schemes:—

- Sullivan's Schools, Holywood.
- Church of Ireland Training College.
- Joseph Brown's Endowment.

The Commissioners adjourned.

WILLIAM O'BRIEN,

March 24, 1893.

Frederick Redmond, Assistant Secretary.

March 24, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

Messrs. McNeill and Williams (Mar. 23), as to the Kirkpatrick Endowment, Larne.

H. J. Harris (Mar. 23), as to the Public Inquiry to be held in Galashiels School-house on the  
29th instant.

Replies, as drafted, ordered to sent.

Letters also read:—

W. A. Cooper (Mar. 23), as to the Scheme for Brown's Apprenticeship Fees.

Rev. S. F. Deniley Jones (Mar. 23), as to Glenarm School.

Rev. S. E. Caldwell (Mar. 23), addressed to the Under Secretary, Dublin Castle, as to the  
Commissariat Prebendary Schools.

Rev. B. Dickson (Mar. 23), enclosing information as to Down Presbytery.

The Secretary, Commissioners of Charitable Donations and Bequests (Mar. 23), as to the  
Scheme for Edwards School, Castlereagh.Messrs. Wallace and Co. (Mar. 23), applying for copies of the Demagheda Free Schools  
Scheme.A letter (Mar. 22) was read from Mr. G. H. Hunt, Treasury, as to outstanding refunds  
for the cost of publication of Draft Schemes, and the Secretary was directed to write, in  
terms as drafted, to the several Governing Bodies concerned.The bill furnished by Mr. Mitchell, Architect, for his valuation of Roxborough Road  
School Premises was submitted and ordered to be forwarded to the Treasury.Certain questions connected with Cromkill School, County Antrim, were brought up  
and discussed.

The Commissioners adjourned.

WILLIAM O'BRIEN,

March 25, 1893.

Frederick Redmond, Assistant Secretary.

March 25, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

B. R. Balfour (Mar. 24), as to proposed Amendment to Leigh Charity Scheme.

H. Currie (Mar. 23), as to the Scheme for the Mason Blue School, Waterford.

Replies, as drafted, ordered to sent.

Letters also read:—

Rev. S. F. Deniley Jones (Mar. 24), sending information as to Glenarm School.

Rev. W. L. Berkeley (Mar. 24), as to Belfast Presbytery.

C. Ryan (Mar. 23), as to Shertland Reporting.

Rev. J. McCay and Rev. G. Henderson (Mar. 24), as to the Scheme for Edwards Endow-  
ment, Castlereagh.

Rev. M. Murphy (Mar. 24), as to Athlone Presbytery.

The Draft Scheme, No. 182, for Glensarm Parochial School, County Antrim, was  
considered, amended, and passed.

The Commissioners adjourned.

GERALD FITZGERALD,

March 28, 1893.

Frederick Redmond, Assistant Secretary.

March 27, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY.

The Draft Order for continuing the powers of the Commission after March 31, 1893, was settled, and a letter enclosing the same to the Under Secretary, Dublin Castle, was adopted and ordered to be sent.

The list of the Endowments, for which the extension of the powers of the Commission was required, was revised and inserted in the Schedule to the Draft Order.

Correspondence as to Lake Burns Endowment, County Sligo, was read and considered, and it was directed that the Endowment should be inserted in the Schedule to the Draft Order provisionally, so as to enable a Scheme to be prepared in the event of the necessary "Consents" being hereafter obtained.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 5, 1893.

Frederick Redmond, Assistant Secretary.

March 28, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAHLI, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

The Secretaries, Commissioners of National Education (Mar. 25), as to Stratford Lodge Schools.

R. Biggs (Mar. 27), as to the Scheme for the Diocesan Schools and Banagher Royal School Endowments.

Replies, as drafted, ordered to be sent.

Letters also read:—

Very Rev. Dean of Dromore (Mar. 25), as to the Scheme for the Dioceses of Down and Connor and Dromore.

Rev. W. M'Mullen (Mar. 27), as to the Amending Scheme for the Methodist Female Orphan School.

Messrs. Hone and Falkiner (Mar. 27), as to the Damer Schools.

Rev. W. L. Berkeley (Mar. 27), as to Belfast Presbytery.

The Draft Order for continuing the powers of the Commission after the 31st instant, and covering letter, as settled on the 27th instant, were submitted and approved.

It was ordered that the Draft Schemes dealing with the following Endowments should be published on Thursday, the 30th instant:—

191. The Endowments of the Armagh Presbytery.

192. Glenarm Parochial School.

193. The Church of Ireland Training College and Kildare Place Society, Amending Scheme.

194. Sullivan School, Holywood, Amending Scheme.

195. Crilly School.

The usual instructions as to publication were given.

It was agreed that Draft Schemes dealing with the following Endowments should be published on Saturday, April 29:—

Irish Clergy Daughters' School.

Damer Schools, St. Stephen's Green, Dublin.

Cronkhill School.

The Endowments of the Down Presbytery.

The Endowments of the Belfast Presbytery.

Tullycovey, Grey Abbey, School.

St. Peter's Schools and Mrs. Wray's School, Amending Scheme.

Joseph Brown's Endowment, Ards, Amending Scheme.

The Parochial Schools of the Diocese of Meath, Amending Scheme.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 5, 1893.

N. D. Murphy, Secretary.

March 29, 1893.

## PUBLIC SITTING

Of the Commission held this day at the Caheragh School-house, Mullabreck,  
Present:—Dr. TRAILL, Dr. WILSON.

Mr. Ryan, Shortland Writer, was in attendance.

## CAHERRAGH SCHOOL.

Dr. Traill made an opening statement.

Mr. Henry Harris, Solicitor, appeared for Mrs. Anne McCraig, the representative of the Founder, and made a statement.

Rev. J. H. McLauchlin and Rev. W. McEnon made statements.

Mrs. Milligan, the present teacher of the School, and Mr. John Linton, were examined.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGIBBON

March 29, 1893.

## PUBLIC SITTING

Of the Commission held this day at the Court-house, Monaghan

Present:—Dr. TRAILL, Dr. WILSON,

Mr. Ryan, Shortland Writer, was in attendance.

## JACKSON'S SCHOOL, MONAGHAN.

Dr. Traill made an opening statement.

Mr. Martin, Solicitor, appeared for the Incurable and Churchwardens of Monaghan.

The following witnesses were sworn and examined:—

Rev. H. R. O'Fionnghail.

Mr. William D. Carroll.

Rev. Robert Orr.

Mr. Henry Rogers.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGIBBON.

April 5, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting and Stated Attendance were read and confirmed.

Letters read:—

The Secretary, Commissioners of National Education (Mar. 30), as to Kilkeel School, County Down.

Rev. C. K. Toland (Apr. 3), as to Strabane Presbytery Scheme.

Rev. J. Gleeson (Apr. 1), sends cost of publication of the Draft Scheme for Ballymena Presbytery.

Rev. R. Allison (Mar. 28), sends cost of publication of Draft Scheme for Carrickfergus Presbytery.

Rev. J. Finlay (Mar. 29), sends cost of publication of Draft Scheme for the Parochial Schools of the Diocese of Leighlin.

Rev. N. H. James (Mar. 30), sends cost of publication of Draft Scheme for the Parochial Schools of the Diocese of Armagh.

Rev. G. W. Hunter (Mar. 30), as to Cloneyfe School, Presbytery of Coleraine.

A. McDonald (Apr. 1), as to Glenside School.

Rev. J. McCay (Apr. 3), sends "Consents" for Drimnagh Presbytery.

Rev. A. McCallin (Apr. 4), as to Ballinlough School, Armagh Presbytery.

The Principal, Ulster Society for Promoting the Education of the Deaf and Dumb and Blind (Mar. 30), as to Antrim.

L. C. Steele (Mar. 29), as to the Irish Creedy Daughters' School.

Rev. L. C. Warren (Mar. 28), as to Clewney Charitable School.

Rev. M. Murphy (Mar. 28), sends information as to Athlone Presbytery.

Rev. C. Isakkin (Mar. 27), as to Edwards School, Castlederg.

The letters from the Principal of the Ulster Society for Promoting the Education of the Deaf and Dumb and Blind, and from Mr. McDonald, were referred to Lord Justice FitzGibbon.

A letter (Mar. 27), addressed to Dr. Wilson, from Rev. S. Duncan, as to Bailekenn Presbytery was read, and a reply, as drafted, ordered to be sent.

Certain questions with regard to Belfast Presbytery Schemes were brought up and discussed.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD MOLLOY,

April 7, 1893.

April 7, 1893.

Meeting of the Commission held this day at the Office, 28, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. G. Morvyn (April 5), sends cost of publication of Draft Schemes for the Ledbury School. The Secretary, Sullivan's School, Holywood (April 5), wanting additional copies of the Draft Amending Scheme.

The state of the Schemes to be published on the 29th instant was considered, and certain directions were given thereto.

The Commissioners adjourned.

GERALD FITZGERALD,

April 12, 1893.

Frederick Redmond, Acting Secretary.

April 12, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

A Parliamentary question to be asked by Mr. J. O'Connor on Friday, April 14, as to the Stratford Lodge Schools, Baltinglass, was submitted by the Under Secretary, Dublin Castle, and a reply, as drafted, was ordered to be sent.

Letters read:—

Messrs. Little and Elgee (April 10), as to Tate School, Wexford.  
G. Hill Major (April 11), as to Killinagh Schools, County Down.  
Rev. A. Macafee (April 7), as to Aranagh Presbytery Scheme.  
Rev. T. B. Considine, F.R. (April 6), as to the Scheme for Parsons Perse Endowment. Under Secretary, Dublin Castle, submitting objection to the Cork Presbytery Scheme.  
J. W. Dana (April 11), as to Kilmeague School and Parochial Endowment.

Replies, as drafted, ordered to be sent.

Letters also read:—

Messrs. Hone and Falkiner (April 7), as to Damer Schools, Stephen's Green.  
Rev. H. K. Wells (April 6), as to Coleraine Presbytery Scheme.  
J. Morris (April 8), as to Grey Abbey, Tully Garry, School.  
Rev. W. L. Barkley (April 11), enclosing correspondence re Belfast Presbytery.

The following letters, already read, were again submitted, and replies as drafted ordered to be sent:—

A. McDonald (April 1), as to Glenarm School, County Antrim.  
The Principal, Ulster Society for Promoting the Education of the Deaf and Dumb and the Blind (March 30), as to Audit.

An objection lodged with the Clerk of the Privy Council, as to the Leigh Charity Scheme, was submitted, and Friday, the 14th instant, was appointed for a conference with Mr. Moore, Solicitor, on the subject.

Certain questions with regard to the Belfast Presbytery Scheme were considered.

The Commissioners adjourned.

GERALD FITZGERALD,

April 14, 1893.

Frederick Redmond, Acting Secretary.

April 14, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Mr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read :—

Rev. G. Thompson (April 13), as to Bishop Presbytery Scheme.

The Secretaries, Commissioners of Charitable Donations and Bequests (April 13), as to the Honorable Michael Ward's Endowment.

Replies, as drafted, ordered to be sent.

Letters also read :—

Messrs. Houn and Falkiner (April 13), as to the Damer Schools, Stephen's Green.

Rev. J. Cochran (April 13), with reference to Schedule of Banbridge Presbytery Amending Scheme.

Rev. Stewart Dickson, two letters (April 12 and 13), enclosing information as to Down Presbytery.

The following Draft Schemes were considered and passed :—

No. 195. The Endowments of the Presbytery of Down.

No. 196. The Endowments of the Presbytery of Belfast.

The Acting Secretary was directed to write in terms as drafted to the Rev. W. L. Berkeley in connection with the latter Endowment.

Mr. Moore, Solicitor, attended at the office and conferred with the Commissioners as to the Objection lodged by Mr. R. B. Balfour to the Leigh Charity Scheme.

The Commissioners adjourned.

GERALD FITZGERALD,

Frederick Redmond, Acting Secretary.

April 15, 1893.

April 15, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read :—

Rev. J. MacLaurin (April 14), as to the proposed Scheme for Cahragh School, Mullabreck.

Rev. T. B. Considine (April 14), as to Parsons Perse Endowment, County Galway.

Replies, as drafted, ordered to be sent.

A letter (April 12), addressed to Dr. Wilson from Rev. C. M. Cowden as to Glenarm School was read.

The circumstances of Cahragh School, Mullabreck, were considered, and directions were given as to the drafting of a Scheme for the future management of the Endowment.

The Commissioners adjourned.

GERALD FITZGERALD,

Frederick Redmond, Acting Secretary.

April 21, 1893.

April 19, 1893.

Stated attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. WILSON.

Letters read :—

Rev. D. Humphreys (April 17), as to the Erasmus Smith Endowments;

Rev. J. MacLaurin (April 18), as to Cahragh School, Mullabreck—

referred to Drs. Traill and Wilson.

Rev. J. Usher (April 14), as to Stratford Lodge Schools, Baltinglass—

referred to a full Meeting of the Commission.

Ven. Archdeacon Daly (April 17), as to Parsons Perse Endowment—

referred to the Judicial Commissioners.

The following letters were also read and instructions given thereon :—

W. P. Chapman (April 17), as to the Incorporated Society Schools.

A. MacDonald (April 17), as to Glenarm School, County Antrim.

The Commissioners adjourned.

GERALD FITZGERALD,

Frederick Redmond, Acting Secretary.

April 22, 1893.

April 21, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOT,  
Dr. WILSON.

The present stage of Draft Schemes yet to be published was considered, and it was finally ordered that the following batch should be prepared for publication on Saturday, April 29:—

- No. 196. The Endowments of the Down Presbytery.
- No. 197. Irish Clergy Daughters' School.
- No. 198. Cromkill School, County Antrim.
- No. 199. Belfast Presbytery.
- No. 200. Dame (Ulsterian) Schools.
- No. 201. Brown Street Sunday and Daily Schools. (Amending Scheme).

It was arranged that the following Schemes should be published in May:—

- Clement Charitable School.
- Cahragh School, Mullabreck.
- Kirkpatrick Endowment, Larne.
- North East Agricultural Association.
- Athlone Presbytery.
- Grey Abbey Tullycawey School.
- Parochial Schools of the Diocese of Meath. (Amending Scheme).
- St. Peter's Schools and Mrs. Wray's School. (Amending Scheme).
- Joseph Brown's Endowment, Ards. (Amending Scheme).

The Commissioners adjourned.

GERALD FITZGERALD,

March 22, 1893.

Frederick Redmond, Acting Secretary.

April 22, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOT, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting and Stated Attendance were read and confirmed.

The following letters, already read, were again brought up, and replies, as drafted, ordered to be sent:—

- Rev. J. Usher (Appl. 14), as to Stratford Lodge Schools, Ballyglass.
- Rev. J. MacLavrin (Appl. 15), as to Cahragh School, Mullabreck.

Letters read:—

- Rev. W. L. Berkeley (Appl. 21), as to Belfast Presbytery.
- W. C. Scott (Appl. 21), as to the Derry Diocesan Scheme.

Replies, as drafted, ordered to be sent.

Letters also read:—

- A. McDonald (Appl. 19), as to Glenarm School, County Antrim.
- Messrs. Moore, Keily and Lloyd (Appl. 20), as to the Leigh Charity Scheme.
- Rev. H. Kingmill Moore (Appl. 20), approving of the Amending Scheme for the Church of Ireland Training College and Kilclare Place Society.
- Rev. A. Lowry (Appl. 18), sending information in connection with the Donegal Presbytery.

The Draft Scheme, No. 198, for Cromkill School, County Antrim, was considered and passed.

The Commissioners adjourned.

ANTHONY TRAILL,

April 26, 1893.

Frederick Redmond, Acting Secretary.

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April 26, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. M'Dowell (Apl. 24), as to Edenderry National School, Rathfriland Presbytery.  
Rev. W. Clements (Apl. 23), sends "Comments" for Aranagh Presbytery.  
Rev. J. G. FitzGerald (Apl. 21), sends names of Committee for Cromhall School.  
Rev. W. L. Berkeley (Apl. 26), sends names of Trustees for Belfast Presbytery.

A letter (Apl. 25) was read from J. Taylor as to the stage of the Erasmus Smith Scheme, and a reply, as drafted, ordered to be sent.

The Schemes for the following Endowments were considered and passed:—

No. 197. The School for Educating Daughters of the Irish Clergy.  
No. 200. The Dame Schools, Stephen's Green, Dublin.

The Commissioners adjourned.

WILLIAM O'BRIEN,

Frederick Redmond, Acting Secretary.

April 28, 1893.

April 28, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting were read and confirmed.

Letters read:—

J. Kehoe Reid (Apl. 27), as to the Gwyn and Young Endowments.  
Rev. J. MacLaurin (Apl. 26), as to the Management of Colleagh School, Mullabreck.  
Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. W. L. Berkeley (Apl. 26), as to Belfast Presbytery.  
Rev. D. Humphreys (Apl. 27), as to his evidence re the Erasmus Smith Endowments.

A letter (Apl. 20) was also read from Rev. Dr. O'Malley, r.r., as to the Carysfort Royal School Endowments, and referred to a full meeting of the Commission.

The correspondence on the Lake Burne Endowment, Templeboy, was considered, and a letter, as drafted, was ordered to be written to the Most Rev. the Lord Bishop of Killala on the subject.

The Draft Amending Scheme, No. 201, for the Brown Street Sunday and Daily Schools, Belfast, was considered and passed.

The Draft Scheme, No. 203, relating to the Tullycaway School, Grey Abbey, and the Allen Endowment, was considered.

Directions were given as to the mode of publication of the batch of Draft Schemes to appear on Saturday, the 29th instant.

The Commissioners adjourned.

H. B. WILSON,

Frederick Redmond, Acting Secretary.

April 29, 1893.

April 29, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting read and confirmed.

Letters read:—

The Honorary Secretary, Select Vestry, Baltinglass, (Apl. 28), as to hearing objections to the Stanfield Lodge School Scheme.  
Rev. D. Humphreys, o.o. (Apl. 28), as to the correction of his evidence re the Erasmus Smith Endowments.

Replies, as drafted, ordered to be sent.

A letter (Apl. 26) was also read from the Under Secretary, Dublin Castle, as to Descriptive Titles of Parliamentary Papers.

The Secretary was directed to write, in terms as drafted, to the Rev. J. Melvin, as to Lake Burne Endowment, Templeboy, County Sligo.

The Commissioners adjourned.

GERALD MOLLOY,

Frederick Redmond, Acting Secretary.

May 3, 1893.

May 3, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting were read and confirmed.

Tuesday and Wednesday, the 30th and 31st of May, were provisionally fixed as the days for considering the evidence taken at the Public Inquiry into the Erasmus Smith Endowments, held on the 10th, 20th, 21st, and 22nd of October, 1892.

The application for an Amending Scheme for Joseph Brown's Endowment, Ards, was considered, and the lines on which the Amending Scheme should be drafted were agreed upon.

The Acting Secretary was directed to write in terms as drafted to Messrs. Hone and Falkiner, as to the Draft Scheme for the Dúnar Male and Female Schools in connection with the Unitarian Congregation of St. Stephen's Green, Dublin.

The Commissioners adjourned.

ANTHONY TRAILL,

May 5, 1893.

Frederick Redmond, Acting Secretary.

May 5, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. G. R. Wedgwood (April 26), as to the constitution of the Governing Body of Pembroke Technical School.

Messrs. Cranswick and Greer (May 3), as to the Glenarm School Scheme.

W. M. Beauchamp (April 26), as to the Scheme for the Diocesan Schools and Banagher Royal School Endowments.

Letters also read:—

Rev. J. G. Fitzgerald (May 3), as to the Creggill School Scheme.

Messrs. McNeill and Williams (May 3), as to the Kirkpatrick Endowment, Lanes.

Rev. T. S. Graham (May 3), as to the Scheme for the Comber Presbytery.

The following letters were referred to the Judicial Commissioners:—

The Secretary, Commissioners of Charitable Donations and Bequests (April 26), as to the Scheme for the General Orphan Home.

Rev. D. Humphrys (May 4), as to evidence in connection with the Erasmus Smith Endowments.

The Under Secretary, Dublin Castle (May 3), enclosing Objections lodged with the Privy Council to the Scheme for the Diocesan Schools and Banagher Royal School Endowments.

The Commissioners adjourned.

H. B. WILSON,

May 6, 1893.

Frederick Redmond, Acting Secretary.

May 6, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of preceding meeting read and confirmed.

Letters read:—

J. Anderson (May 4), as to the Amending Scheme for Sullivan's Schools, Holywood.

Rev. W. MacKillop (May 5), as to Ballintoy School Scheme.

Rev. Dr. Magee (May 5), addressed to Dr. Wilson, as to the Amending Scheme for the Presbytery of Dublin.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. W. Murphy (April 5), as to Athlone Presbytery Scheme.

Rev. J. Malvin (May 6), as to the Lake Burns Endowment, County Sligo.

The circumstances of the North East Agricultural Association were considered with a view to the preparation of a Scheme for the same.

The Commissioners adjourned.

GERALD MOLLOY,

May 12, 1893.

Frederick Redmond, Acting Secretary.

May 10, 1893.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY.

The following letter was read, and a reply provisionally drafted :—

W. B. Lucy (May 9), as to the Munster Dairy School and Agricultural Institute.

Letters also read :—

Isaac Harvey (May 6), applying for copies of various Schemes.

Rev. D. McMenin (May 6), as to Crumwill School Scheme.

Moses, McNeill and Williams (May 6), as to the Kirkpatrick Endowment, Larne.

The following letters were referred to the Judicial Commissioners :—

Rev. Dr. O'Malley (May 9), as to Cavanagh Royal School Scheme.

Rev. H. F. MacDonagh (May 8), as to the Amending Scheme for the Robertson Endowments, Diocese of Raphoe.

The Under Secretary, Dublin (May 8), regarding the Leigh Charity Scheme with a Declaration.

GERALD MOLLOY,

May 12, 1893.

Frederick Redmond, Acting Secretary.

May 12, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. WILSON.

Minutes of the preceding meeting and Stated Attendance were read and confirmed.

The answer provisionally drafted to Mr. Lucy's letter of the 9th instant, was submitted and approved.

The following letters were read :—

H. N. Fossett (May 10) as to the Amending Scheme for Morgan's School, Castletown.

Rev. Dr. Magee (May 11), addressed to Dr. Wilson, as to the Amending Scheme for Dublin Presbytery.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

May 13, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAHL, Dr. WILSON.

Letters read :—

The Secretaries, Commissioners of Charitable Donations and Bequests (May 12), as to the Scheme No. 121, for the General Orphan Home Endowments.

Ven. Archdeacon Meade (May 12) suggesting Amendment to the Scheme No. 125, for the Oriff School and Pettigrew Endowment.

Rev. A. B. Wilson (May 12), as to documents connected with Kilshaneig Parish.

Replies, as drafted, ordered to be sent.

Letters also read :—

A. P. Graves (May 12), as to the Pembroke Technical School Endowment.

Rev. W. McCay (May 12), as to the Coleraine Presbytery Scheme.

Rev. H. M. Butler (May 12), as to Limavady Presbytery Scheme.

The Amending Scheme No. 202 for Joseph Brown's Endowment, Ards, was considered and passed.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

May 17, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. Dr. O'Mulroy, F.R. (May 16), as to the Carysfort Royal School Scheme.

Mrs. Perse (May 16), suggesting amendment in the Draft Scheme for Parsons Perse Endowment.

Mrs. Slave-Taylor (May 15), suggesting amendment in the Draft Scheme for Parsons Perse Endowment.

H. Harris (May 15), objects to the Scheme for the Crilly School and Pettigrew Endowment.

Replies, as drafted, ordered to be sent.

A letter (May 15) was read from Rev. H. M. Butler as to the Limsavady Presbytery Scheme.

The following letters were referred to the Judicial Commissioners:—

Rev. H. F. MacDonald (May 15), as to the Scheme for the Robertson Endowments, Diocese of Raphoe.

G. King Magee, as to account for shorthand notes of a Public Sitting held on January 10, 1893.

The Scheme, No. 204, for the Kirkpatrick Endowment, Larne, was considered and passed.

The Commissioners adjourned.

H. B. Wilson,

May 19, 1893.

Frederick Redmond, Acting Secretary.

May 19, 1893

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILE, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The Heads of a Scheme for the North East Agricultural Association were submitted, and a letter, as drafted, was ordered to be sent to Messrs. L'Estrange and Brett on the subject.

Letters read:—

D. McDonald (May 17), as to the time for objecting to the Glensarn School Scheme.

The Secretary, Commissioners of National Education (May 17), as to the Scheme for the Linenish Endowment for Technical Education.

Replies, as drafted, ordered to be sent.

The following letters were referred to the Judicial Commissioners:—

Rev. J. Stein (May 15), as to the Amending Scheme for Dublin Presbytery.

Rev. H. F. MacDonald (May 15), as to the Amending Scheme for the Robertson Endowments, Diocese of Raphoe.

Rev. A. Harvey, as to the Onchan Endowment, County Meath.

The Draft Scheme No. 203 for the Tullycavvy School and the Allen Endowment was considered and passed.

The Commissioners adjourned.

GERALD MOLLOY,

May 27, 1893.

Frederick Redmond, Acting Secretary.

May 25, 1893.

Stated Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL.

Letters read :—

Rev. D. Humphreys (May 24), as to evidence in connection with the Public Inquiry into the Erasmus Smith Endowments.

Messrs. Cranville and Greer (May 22), as to Presbyterian Endowments dealt with by the Commission.

Replies, as drafted, ordered to be sent.

Letters also read :—

Messrs. McNeill and Williams (May 20), as to Kirkpatrick Endowment, Larne.  
R. Andrews, two letters (May 8 and 11), as to Cronkhill School, County Antrim.

The following letters were referred to the Judicial Commissioners :—

Colonel Aldworth (May 22), as to the St. Leger Aldworth Endowment.

Rev. W. Johnston (May 22), as to the Amending Scheme for the Brown Street Sunday and Daily Schools.

The following question was referred to the Judicial Commissioners :—

"Whether it would be advisable, in the revision of the Amending Scheme for the Brown Street Sunday and Daily Schools, to insert a clause allowing the Governing Body to appoint a local Auditor of whose competency the Local Government Board shall be satisfied."

GERALD MOLLOY,

May 27, 1893.

Frederick Redmond, Acting Secretary.

May 27, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting and Stated Attendance were read and confirmed.

Letters read :—

Rev. A. E. Wynne (May 26), as to the Scheme for the Parochial Schools of the City of Dublin.

Rev. J. Finlay (May 26), as to the Scheme for Brown's Apprenticeship Fund.

Replies, as drafted, ordered to be sent.

Letters also read :—

Dr. McDonald (May 26), as to Glenure School Scheme.

Rev. J. Usher (May 26), as to the Stamford Lodge Schools, Baltinglass.

W. B. Lacy (May 25), as to the Minister Dairy School and Agricultural Institute.

The Secretary, Board of Works (May 23), as to Office of the Commission.

The Draft Scheme No. 205 for Cabra School, Mullingrath, was considered and passed.  
The Commissioners adjourned.

WILLIAM O'BRIEN,

May 31, 1893.

Frederick Redmond, Acting Secretary.

May 30, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Letters read :—

The Secretary, North East Agricultural Association (May 27), requesting an interview with the Secretary re the proposed Scheme for the Endowment.

V. Montgomery (May 29), as to the Scheme for Crilly School and Pottigrew Endowment.

W. B. Lacy (May 27), as to the Minister Dairy School and Agricultural Institute.

Directions were given as to the preparation of a batch of "Blue Schemes" to be signed by the Judicial Commissioners on June 19.

The question of the Erasmus Smith Scheme was considered.

The Commissioners adjourned.

WILLIAM O'BRIEN,

May 31, 1893.

Frederick Redmond, Acting Secretary.

May 31, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Letters read:—

W. Brown Clayton (May 30), as to the Brown Apprenticeship Fund.  
Messrs. L'Estrange and Brett (May 30), as to the North East Agricultural Association.

The question of the Erasmus Smith Scheme was further considered.

The Commissioners adjourned.

ANTHONY TRAILL,

June 2, 1893.

Frederick Redmond, Acting Secretary.

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June 2, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Objections on behalf of Captain Meade J. C. Dennis to the Scheme for Stratford Lodge Schools, Baltinglass, were considered, and a letter, as drafted, ordered to be written on the matter.

The Commissioners adjourned.

H. B. WILSON,

June 3, 1893.

Frederick Redmond, Acting Secretary.

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June 3, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. T. B. Considine (June 2) as to the Scheme for Parsons' Perse Endowment, County Galway.

Rev. M. Murphy (June 2) as to Endowments connected with Athlone Presbytery.

Replies, as drafted, ordered to be sent.

A receipt from Mr. R. St. J. Lenegan for documents connected with the Dioceses of Cork, Cloyne, and Ross was also read.

It was provisionally arranged that Schemes dealing with the following Endowments should be published at the end of June:—

The North East Agricultural Association.

Athlone Presbytery.

St. Peter's Parochial Schools and Mrs. Wray's School.—Amending Scheme.

The Commissioners adjourned.

WILLIAM O'BRIEN,

June 7, 1893.

Frederick Redmond, Acting Secretary.

June 7, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. Moran (June 5), as to the Scheme for Tullymoy School and Allen Endowment.  
 Modus J. C. Dennis (June 5), as to the Scheme for the Stratford Lodge Schools.  
 L. E. Steele (June 5), as to the Schemes for the Irish Clergy Daughters' School.  
 Replies, as drafted, ordered to be sent.

Letters also read:—

J. W. McINISH (June 5), as to the Kirkpatrick Endowment, Larne.  
 H. C. Kelly (June 6), as to the North West Agricultural Association.

The following batch of Schemes were directed to be prepared for the signature of the Judicial Commissioners:—

No. 123. The Charlottesville Charity.  
 No. 149. Pembroke Technical School.  
 No. 150. St. Leger Almshoth Endowment.  
 No. 173. The Belfast Natural History and Philosophical Society. Amending Scheme.  
 No. 174. The Parochial Schools of the Diocese of Armagh. Amending Scheme.  
 No. 175. Ballintoy Fishery School. Amending Scheme.  
 No. 176. Swindis Borough Schools. Amending Scheme.

With regard to the Scheme for the Pembroke Technical School, a letter, as drafted, was ordered to be written to the following:—

Arnold Graves, Esq.,  
 Fane Verum, Esq.,  
 Rev. G. R. Wigwood,  
 Rev. H. Evans,  
 Rev. J. Macney,

Saturday, the 10th instant, being fixed for a conference with the same.

The Commissioners adjourned.

GERALD MOLLOY,

June 9, 1893.

Frederick Redmond, Acting Secretary.

June 9, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting were read and confirmed.

Letters read:—

J. Moran (June 7), as to Draft Scheme for Tullymoy School and Allen Endowment.  
 Rev. W. Irwin (June 8), as to "Consent Forms" for Coleraine Presbytery.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. H. Evans (June 9), as to Pembroke Technical School.  
 J. W. McINISH (June 8), as to the Kirkpatrick Endowment, Larne.  
 Rev. W. Matahette (June 8), as to Ballintoy School, County Antrim.

It was ordered that Scheme No. 152, for the Ballintoy School, should be added to the list to be prepared for the signature of the Judicial Commissioners.

The Commissioners adjourned.

ANTHONY TRAILL,

June 14, 1893.

Frederick Redmond, Acting Secretary.

June 10, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL.

## SCHEME NO. 149.—THE PARNASSUS TECHNICAL SCHOOL—CONFERENCE.

The following gentlemen attended and conferred with the Commissioners as to the revision of the above Scheme:—

Sir Robert Jackson.  
Arnold Graves, Esq.  
Rev. H. Evans.  
Rev. R. B. Stoney.  
Rev. J. A. Campbell.

The following letters were read:—

W. B. Lucy (June 5), as to the Munster Dairy School and Agricultural Institute.  
McNeill and Williams (June 9), as to the Draft Scheme for the Kirkpatrick Endowment, Larne.

A statement was also read from Mr. T. Falls, Solicitor, as to the Scheme for the Parochial Schools of the Diocese of Armagh.

The Commissioners adjourned.

ANTHONY TRAILL,

Frederick Redmond, Acting Secretary.

June 14, 1893.

June 14, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

A letter was read from Rev. W. Matchette (June 12), as to Ballintoy School, and a reply, as drafted, ordered to be sent.

The Draft Scheme, No. 207, for Athlone Presbytery was considered and passed.

The Commissioners adjourned.

H. B. WILSON,

Frederick Redmond, Acting Secretary.

June 16, 1893.

June 16, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. W. Thompson (June 14), as to additional property for Schedules to the Scheme for the Dioceses of Down and Connor and Dromore.

Rev. Canon Jelett (June 14), as to the Amending Scheme for St. Peter's and Mrs. Wray's School.

J. F. Smith (June 15), as to the Rathmines Township Sunday and Daily Schools.

It was provisionally agreed that a Public Sitting should be held on Saturday, July 1, to consider the objections and amendments to the Draft Scheme for the Rathmines Township Sunday and Daily Schools.

The Commissioners adjourned.

ANTHONY TRAILL,

Frederick Redmond, Acting Secretary.

June 17, 1893.

June 17, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Rev. J. Goss (June 14), as to "Consents" still outstanding for the Cavan Presbytery Scheme; and it was decided that the time for sending in the same should be extended.

Directions were definitely given as to a Public Sitting to be held on Saturday, July 1, 1893, to consider Objections and Amendments to the Draft Scheme for the Rathmines Township Sunday and Daily Schools, and advertisements of the same were ordered to be published as authorized.

The Commissioners adjourned.

H. B. WILSON,

Frederick Redmond, Acting Secretary.

June 21, 1893.

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June 21, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. M. Murphy (June 20), as to the proposed Draft Scheme for the Athlone Presbytery.  
 H. C. Kelly (June 20), as to the North East Agricultural Association.  
 Rev. W. J. Hill (June 17), as to "Consents" for Collooney Presbytery.

The Revised Amending Scheme for Baltimore Fisher School was considered and amended.

It was ordered that a batch of Draft Schemes should be published on Friday, June 29.

The Commissioners adjourned.

ANTHONY TRAILL,

Frederick Redmond, Acting Secretary.

June 22, 1893.

June 23, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. T. Armstrong (June 21), as to "Consents" for Cavan Presbytery.  
 Rev. C. K. Tolson (June 21), as to "Consents" for Strabane Presbytery.  
 Rev. D. Humphreys (June 22), enclosing statement as to the Erasmus Smith Endowment.

A letter (June 21), was read from Rev. T. Eaton, as to the Scheme for Cromkill School, and a reply, as drafted, ordered to be sent.

Monday, July 10, was provisionally fixed for holding a Public Inquiry at Ballymena as to Cromkill School.

The Commissioners adjourned.

H. B. WILSON,

Frederick Redmond, Acting Secretary.

June 24, 1893.

June 24, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Objections with respect to Glonarus Parochial School, on behalf of the Presbyterians of Glonaru, were considered.

The Revised Draft Scheme for the Parochial Schools of Dublin, Glendalough, and Kildare, was considered and passed.

Monday, July 10, was finally fixed for holding a Public Sitting in Ballymena to consider the Objections and Amendments to the Draft Scheme for Cromkill National School.

N.B.—Countermanded by Lord Justice FitzGibbon, as the two months allowed for Objections had not expired.

The Commissioners adjourned.

ANTHONY TRAILL,

Frederick Redmond, Acting Secretary.

June 28, 1893.

June 28, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Messrs. O'Rourke and McDonald (June 26), covering objections to the Draft Scheme for Glenarm School, County Antrim.

The Draft Scheme, No. 207, for the Endowments of the Athlone Presbytery was considered and passed.

The Commissioners adjourned.

H. B. WILSON,

Frederick Redmond, Acting Secretary.

June 28, 1893.

June 29, 1893.

Meeting of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter (June 26) was read from Rev. R. McElroy as to the Scheme for the Endowments of the Down Presbytery.

Objections on behalf of the Earl of Antrim to the Draft Scheme for Glenarm School were read.

The Commissioners adjourned.

GERALD FITZGERALD,

July 1, 1893.

Frederick Redmond, Acting Secretary.

July 1, 1893.

#### PUBLIC SITTING

Of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Dr. TRAILL, Dr. WILSON.

Mr. Charles Ryan, Shorthand Writer, was in attendance.

DRAFT SCHEME NO. 161, THE RATHMINES TOWNSHIP SUNDAY AND DAILY SCHOOLS.  
(To consider Objections).

The following Gentlemen were present, and made statements:—

Rev. S. M. Harris.  
Rev. J. M. Hamilton, M.A.  
G. T. Weston, Esq., LL.B.  
J. Smooth, Esq.  
J. C. Oram, Esq., M.A., M.B.

#### MEETING.

A letter (June 29), was read from the Right Rev. The Bishop of Ossory as to Scheme No. 161, for John Ivory's School, Wexford, and a reply as drafted ordered to be sent.

It was directed that the Schemes for the following Endowments should be published on Tuesday, July 4:—

- No. 206.—The North East Agricultural Association.
- No. 207.—The Endowments of and belonging to Congregations under the care of the Presbytery of Athlone.

The Commissioners adjourned.

GERALD FITZGERALD,

Frederick Redmond, Acting Secretary.

July 7, 1893.

July 5, 1893.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. WILSON.

Letters read :—

- Rev. H. M. Butler (July 3), as to the Endowments of the Limerick Presbytery.  
 Rev. W. Armstrong (July 3), as to the Endowments of the Cavan Presbytery.  
 Rev. C. W. Hunter (July 4), as to the Endowments of the Galway Presbytery.  
 Rev. S. Dickson (July 3), enclosing Objections and suggested Amendments for the Down Presbytery Scheme.  
 J. Kinghan (July 1), as to the Belfast Natural History and Philosophical Society.

A letter was also read from the Secretaries, Commissioners of Charitable Donations and Requests, as to the Annes Hall Endowments, and referred to the Judicial Commissioners.

GERALD FITZGIBBON,

July 7, 1893.

Frederick Redmond, Acting Secretary.

July 7, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BURNS, Dr. WILSON.

Letters read :—

- Rev. S. F. Dudley Janss (July 5), as to the Glenarm School Scheme.  
 Rev. W. Madelton (July 6), as to Ballintoy School Scheme.  
 Rev. J. Gass (July 5), as to "Consents" for Cavan Presbytery.

Replies, as drafted, ordered to be sent.

The state of Schemes in preparation for the "blue" stage was considered.

The Commissioners adjourned.

GERALD FITZGIBBON,

July 12, 1893.

Frederick Redmond, Acting Secretary.

July 12, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Dr. WILSON.

Letters read :—

- Rev. D. Hamper, &c. (July 10), as to Evidence relating to Revenue Fund Endowments.  
 Rev. J. Stoen (July 11), as to the "Glenan Hospital, Endowments of the Dublin Presbytery"—Ansteeding Scheme.  
 The Under Secretary, Dublin Castle (July 11), as to the Dromore Presbytery Scheme.  
 The Under Secretary, Dublin Castle (July 10), as to Tyrone Presbytery Scheme.  
 T. T. L. O'Conor, two letters (July 8 and 11), as to the Ulster Paul Endowment.

Replies, as drafted, ordered to be sent.

Letters also read :—

- S. Magill (July 11), sending Objections and Amendments to the Scheme for the Kirkpatrick Endowment, Limerick.  
 Rev. J. Gass (July 10), as to "Consents" for the Endowments of the Presbytery of Cavan.  
 The Commissioners adjourned.

GERALD FITZGIBBON,

July 14, 1893.

Frederick Redmond, Acting Secretary.

July 14, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Dr. WILSON.

Certain questions connected with the Comber Presbytery Scheme were considered.

Letters read:—

Rev. J. Gurn (July 13), as to "Consents" for Cavan Presbytery.

W. A. Cooper (July 13), as to the Brown's Apprenticeship Fund, Carlow.

T. P. Le Feuvre (July 13), as to the Down and Connor and Dromore Diocesan Schemes, and the Scheme for the Diocesan Schools and Brougher Royal School Endowments.

T. Fulla (July 13), enclosing copy of affidavit as to the Scheme for the Parochial Schools of the Diocese of Armagh.

A letter was also read from Rev. W. C. Steele (July 13), as to the Dromore Presbytery Scheme, and a reply, as drafted, ordered to be sent.

Certain directions as to the Schemes under preparation for the signature of the Judicial Commissioners were given.

The Commissioners adjourned.

GERALD FITZGERALD,

July 19, 1893.

Frederick Redmond, Acting Secretary.

July 15, 1893.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. WILSON.

A letter (July 14) was read from Rev. J. Stoen, as to "Consents" for the Amending Scheme for the Endowments of the Dublin Presbytery, and a reply, as drafted, ordered to be sent.

A letter (July 14) was also read from Rev. J. M. Hamilton, as to the Revised Scheme for the Rathmines Sunday and Daily Schools, and directions were given thereon.

The acknowledgment of the receipt of a Document in connection with Morgan's School, Castleknock, was reported.

GERALD FITZGERALD,

July 19, 1893.

N. D. Murphy, Secretary.

July 19, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Dr. WILSON.

Letters read:—

Rev. S. F. Dudley James (July 15), as to objections to Glenarm Parochial School Scheme.

McAra, Cremona and Gross (July 15), as to the Scheme for the Kirkpatrick Endowment, Larne.

Rev. M. Murphy (July 15), as to "Consents" for Athlone Presbytery Scheme.

Rev. W. Armstrong (July 15), as to "Consents" for Cavan Presbytery Scheme.

T. B. MacDonald (July 15), as to the Amending Scheme for Morgan's School, Castleknock.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. A. McCreery (July 15), as to the Schedule to Comber Presbytery Scheme.

Rev. T. S. Graham (July 15), as to Comber Presbytery Scheme.

Rev. R. S. Arnold (July 15), as to the proposed Amending Scheme for Dromore Presbytery.

A letter was also read from Rev. C. W. Hunter (July 15), as to the Coleraine Presbytery Scheme, and instructions were given thereon.

The Commissioners adjourned.

GERALD FITZGERALD,

July 26, 1893.

N. D. Murphy, Secretary.

July 21, 1893.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. WILSON.

A letter was read from Rev. J. R. McBride (July 20), as to the Revised Scheme for the Endowments of the Presbytery of Derry, and a reply, as drafted, ordered to be sent.

Letters also read:—

Rev. R. Ross (July 20), as to the Schedule to the Revised Scheme for the Endowments of the Presbytery of Derry.

Rev. R. J. Arnold (July 19), as to the proposed Amending Scheme for the Endowments of the Presbytery of Down.

J. Donovan (July 20), as to the Amending Scheme for Baltimore Fishery Schools.

Rev. Stewart Dickson (July 20), as to the Down Presbytery Scheme.

GERALD FITZGIBBON,

July 26, 1893.

Frederick Redmond, Acting Secretary.

July 22, 1893

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'HARE, Dr. WILSON.

The state of the Schemes for the following Endowments was considered:—

No. 151. Ratho Presbytery.

No. 137. Cumber Presbytery.

No. 165. Trecapogpatrick Presbytery.

No. 183. Dublin Presbytery. Amending Scheme.

And letters were ordered to be written to the Ministers of those Congregations whose "Consents" were still outstanding, requesting that the said "Consents" might be signed and returned to the office as soon as possible.

The Commissioners adjourned.

GERALD FITZGIBBON,

July 26, 1893.

Frederick Redmond, Acting Secretary.

July 26, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Dr. WILSON.

Minutes of the preceding meetings and Stated Attendances were read and confirmed.

Letters, as drafted, were directed to be sent to the Rev. R. J. O'Leary and Mr. Porter, Solicitor, with regard to the Jackson Schools, Monaghan, and the Ebenezer School, Belfast, respectively.

Letters read:—

Rev. J. R. McCloskey (July 25), as to the Cumber Presbytery Scheme.

Messrs. H. T. Dix and Sons (July 26), as to the proposed Scheme for the Incorporated Society Schools.

H. C. Kelly, (July 25), applying for copies of the "Educational Endowments (Ireland) Act, 1880."

Rev. Dr. O'Malley, s.s. (July 24), as to the Garryfort Royal School Endowments.

Rev. Robert Wallace (July 24), as to the Coleraine Presbytery Scheme.

The Commissioners adjourned.

GERALD FITZGIBBON,

July 27, 1893.

Frederick Redmond, Acting Secretary.

July 27, 1893

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Dr. WILSON.

Letters read:—

The Under Secretary, Dublin Castle (July 26), covering correction to Scheme for Tyrone Presbytery.

Rev. Dr. O'Malley, P.P. (July 26), as to the Carrickfergus Royal School Endowments.

Rev. W. M. Henry (July 26), as to Cavan Presbytery Scheme.

The state of the Scheme for Glendalough Presbytery was under Dr. Wilson's consideration, and directions were given as to obtaining the "Consents" outstanding.

The Commissioners adjourned.

GERALD FITZGIBBON,

July 27, 1893.

Frederick Redmond, Acting Secretary.

July 28, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Dr. WILSON.

A letter (July 26) was read from Rev. J. B. McBrade, as to the Scheme for the Presbytery of Derry, and a reply, as drafted, ordered to be sent.

Letters also read:—

Rev. W. Irwin (July 27), as to the Scheme for Coleraine Presbytery.

Rev. Wm. McDowell (July 26), as to the Scheme for Cavan Presbytery.

Rev. M. Murphy (July 27), re Consents for the Scheme for Athlone Presbytery.

The objection of Rev. R. Moore to the Scheme for the Presbytery of Tyrone was submitted, and instructions were given thereon.

The Commissioners adjourned.

GERALD FITZGIBBON,

August 1, 1893.

Frederick Redmond, Acting Secretary.

August 1, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MORLON,  
Dr. TRAILL, Dr. WILSON.

The circumstances of the following Endowments were under consideration:—

#### JACKSON'S SCHOOLS, MONAGHAN.

Lord Justice FitzGibbon submitted a report thereon, and a letter, as drafted by him, to Rev. R. S. O'Loughlin was approved; Dr. Trill undertaking the further management of the matter.

#### THE EBENEZER CHAPEL, BELFAST.

Lord Justice FitzGibbon submitted a report thereon, and a letter, as drafted by him, to Mr. R. J. Porter, was approved; Dr. Wilson undertaking to write to the Presbyterian Minister of the locality on the matter.

#### CLOSMEL CHARITABLE SCHOOL.

Dr. Trill undertook to present a report thereon.

#### THE DIOCESE OF MEATH AMENDING SCHEME (ARDEKENAN ENDOWMENT).

A letter from Rev. G. McCloskey was submitted, and it was decided that an Amending Scheme should be prepared by which St. Peter's Parish should get one-third of the Endowment so long as it can be applied to Educational purposes or for the widows and housekeepers of the Parish.

A letter, as drafted, was directed to be written to Rev. Canon Keane on the matter.

## THE GWIN AND YOUNG ENDOWMENTS, AMENDING SCHEME.

Dr. Traill submitted a report thereon, and he and Dr. Wilson undertook to prepare a further statement by the next meeting.

## ST. PETER'S SCHOOL AND MRS. WILAY'S SCHOOL.

Lord Justice FitzGibbon submitted a report thereon, and it was decided that an Amending Scheme should be prepared, visiting the Lower Street Infant Schools in the Trustee of St. Peter's Schools, with power to place them under the National Board, with the consent of the Representative Guards Body.

## THE INCORPORATED SOCIETY SCHOOLS.

The Heads of a Scheme to be submitted by Lord Justice FitzGibbon at next meeting.

## LUKE BURKE'S CHARITY, TIPPERARY.

Monsignor Molloy undertook to report on the matter.

## DROMORE PARISHES, AMENDING SCHEME.

To be published on Monday, August 14.

## DRAFT SCHEME NO. 54.—BOXHORNWELL ROAD SCHOOL.

Dr. Traill to write to Rev. Canon Gregg, and further action in the matter to be postponed till October, pending the decision of the Privy Council re the Scheme for the Diocesan Schools and Brough Royal School Endowments.

## DRAFT SCHEME NO. 61.—LARNE CHAMBER SCHOOL.

Dr. Traill to inquire into the matter.

DRAFT SCHEME NO. 62.—THE MUNSTER DAIRY SCHOOL AND AGRICULTURAL INSTITUTE.  
Monsignor Molloy undertook to prepare a Report.

## DRAFT SCHEME NO. 71.—SIARANE ACADEMY.

Dr. Wilson to write to the persons interested in the matter.

## DRAFT SCHEME NO. 111.—THE PRESTON ENDOWMENT—NAVAN, BALLYROAN, &amp;c.

It was decided that the Scheme should be revised on the following lines:—

- (1) Additional Recitals should be inserted dealing with:—
  - (a) The School Buildings.
  - (b) The appointment of Master (subsequent to the Act).
  - (c) The discontinuance of the Schools.
- (2) Clauses to provide:—
  - (a) For the surrender of the premises and the termination of the present Head Master's employment.
  - (b) For the alienation of the Endowment to a local School Authority, which shall have established a School in suitable buildings at Athboy, but no great out of the Capital to be given to such School Authority until they shall have either acquired such buildings, or shall have raised, by subscription, a sum of £500 for the purpose of establishing a School.

## DRAFT SCHEME NO. 113.—URITH PAUL ENDOWMENT.

Dr. Traill undertook to submit a report thereon.

## DRAFT SCHEME NO. 125.—THE CHARLTON CHARITY.

Monsignor Molloy and Dr. Traill to report on the matter.

## DRAFT SCHEME NO. 131.—THE KILMEAGUE SCHOOL AND PRICEVAL ENDOWMENT.

It was decided that a Revised Scheme should be prepared on the lines of the Draft Scheme, but provisions to be inserted for the realisation of the old schoolhouse when the new teacher's residence shall have been built; the old schoolhouse to be used in the meantime, and the landlord to have the right of pre-emption if sold.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGIBBON

August 8, 1893.

August 3, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

**THE INCORPORATED SOCIETY FOR PROMOTING PROTESTANT SCHOOLS IN IRELAND.**

The Draft of a Scheme was submitted by Lord Justice FitzGibbon, discussed, and ordered to be printed, it being agreed that the clauses relating to Technical Education should be revised.

**THE GWYN AND YOUNG ENDOWMENTS.**

A report by Dr. Traill and Dr. Wilson was discussed, and the Heads of an Amending Scheme were submitted; the following points, subject to revision, being agreed to:—

- (1.) Clause 13 of the Original Scheme to be amended by providing for the separate administration of the Gwyn Endowments and the Young Endowments, until and so far as a majority of each Board shall carry a resolution for amalgamation.
- (2.) That on the requisition of the Young Governors on Institution shall be established, to be called the "Joseph Young Institution," it being obligatory on the Young Governors, at their option, to expend the entire revenue, either in establishing the institution, or boarding out the children.
- (3.) That it shall be optional with both Boards whether a portion of the Gwyn premises shall be applied for the Young Institution, but if a portion shall have been once applied, it shall not be withdrawn without the joint consent of both Boards.
- (4.) That the Lending powers be extended from £50 to £500 yearly.

Letters read:—

- R. Good (Aug. 1), as to Morgan's School, Castleknock.  
Rev. C. W. Hunter (Aug. 1), as to the Schedule to Colman's Presbytery Scheme.  
Rev. D. Humphreys (Aug. 1), as to the Erasmus Smith Endowments.  
W. A. Cooper (Aug. 3), as to the Curzon Apprenticeship Fund.  
Messrs. Moore, Kelly, and Lloyd (Aug. 1), as to the Leigh Charity Scheme.  
Messrs. McNeill and Williams (July 29), enclosing Objections to the Scheme for the Kirkpatrick Endowment, Larne.  
H. J. Harris (July 31), enclosing Objections to the Scheme for the Caheragh School, Mallaknock.

A letter was also read from Mr. J. Hillferty (July 28), as to the Philiborough Sunday and Daily Schools, and a reply, as drafted, ordered to be sent.

The Agenda Paper for the Meeting to be held on Saturday, August 5, was arranged.  
The Commissioners adjourned.

GERALD FITZGERALD,

August 5, 1893.

Frederick Redmond, Acting Secretary.

August 5, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

**DRAFT SCHEME NO. 134.—THE LYONS ENDOWMENT, LOUGHREA.**

Report submitted by Dr. Traill; Scheme to be prepared for signature on the lines therein indicated.

**DRAFT SCHEME NO. 190.—THE STRATFORD LODGE SCHOOLS, BALTINGLASS.**

It was decided that the Governing Body should consist of:—

- The Incumbent;  
One Representative of the Select Vestry;  
The Owner of the Stratford Lodge Estate;  
A Governor nominated by the "Owner";  
"The Bishop," or a Governor nominated by him;

And two Representatives of the Subscribers; each Subscriber being entitled to vote who gives either an annual subscription of £1 or a lump sum of £50; those who contribute to the purchase of a site being held to be "Subscribers" within the meaning of the Scheme.

**THE LUKE BURKE ENDOWMENT.**

Report submitted by Monsignor Molloy, and a letter, as drafted by him, to the Bishop, was approved.

**THE CAREYFORT ROYAL SCHOOL ENDOWMENT.**

Report submitted by Monsignor Molloy; correspondence with the Rev. Dr. O'Malley considered, and a letter, as drafted to him, was ordered to be sent.

## DRAFT SCHEME NO. 125.—THE CHARLTON CHARITY.

Report submitted by Monsignor Molloy was considered, and the further consideration of the Scheme was postponed to October.

The Commissioners adjourned.

GERALD MOLLOY,

Frederick Redmond, Acting Secretary.

August 8, 1893.

August 8, 1893.

Meeting of the Commission held this day at the Office, 25, North Street, Dublin.  
Present:—Lord Justice FitzGibbon, Monsignor Molloy, Dr. Teall, Dr. Wilson.  
Minutes of preceding meetings were read and confirmed.

Letters read:—

Rev. T. W. Henn (Aug. 7), } As to additional property for Derry Presbytery Scheme.  
Rev. A. Hendeson (Aug. 6), }

Replies, as drafted, ordered to be sent.

Letters also read:—

Monsr. Moat, Kelly, and Lloyd (Aug. 3), re to the Leigh Charley Scheme.  
Rev. R. McMorris (Aug. 4), re to Letterkenny Presbytery Scheme.

The following Draft Schemes were ordered to be revised and prepared for the signature of the Judicial Commissioners:—

- No. 151. Ratho Presbytery.
- No. 161. Limerick Presbytery.
- No. 166. Templepatrick Presbytery.
- No. 168. Glendalough Presbytery.
- No. 169. Sundale Presbytery.
- No. 196. Down Presbytery.

## DRAFT SCHEME NO. 71.—THE STRABANE ACADEMY.

A report was submitted by Dr. Wilson, and it was directed that the Scheme should be prepared for the signature of the Judicial Commissioners.

## DRAFT SCHEME NO. 113.—THE URTH PAUL ENDOWMENT.

A report was submitted by Dr. Teall and Dr. Wilson, and it was directed that the Scheme should be revised on the following lines (copies of the Revised Scheme to be sent to parties interested before signature):—

1. Provision to be made for utilising Blackdown Schoolhouse, as a Memorial Almshouse, should be not required as a School.
2. The Incorporated of Whitechurch and New Ross to be ex-officio Governors, and the benefits of the Endowments to extend to both those Parishes.
3. Provision to be inserted for Religious Instruction as in the Naulish Scheme.
4. The provision affecting the vested interests of the Masters to be struck out.
5. In the awarding of Apprenticeship Fees and Exhibitions, preference to be given to Protestants, in terms of the provisions of the Will.

## DRAFT SCHEME NO. 114.—LISBANE ENDOWMENT SCHOOL.

To be brought up in October with the Revised Draft of the Urth Paul Scheme.

## DRAFT SCHEME NO. 62.—THE MUNSTER DAIRY SCHOOL AND AGRICULTURAL INSTITUTE.

A report was submitted by Monsignor Molloy, and it was directed that the Scheme should be revised on the following lines:—

1. The constitution of the Governing Body to be modified as hereinafter mentioned:—
  - (a) One Governor to be elected by any public body subscribing £50 per annum, or two Governors to be so elected should the subscription amount to £200 per annum.
  - (b) Two Governors to be nominated by the National Board, so long as they maintain their present relations with the School.
  - (c) Each Board of Guardians that levies a halfpenny rate for the School, or contributes £50 per annum to the funds thereof, to elect one Governor, and any such Board that contributes £200 per annum to elect two Governors.
  - (d) The Governing Body, in the first instance, to consist of eighteen members, of whom six shall be life members and twelve elected by subscribers; the Governors elected by subscribers to hold office for three years, and to go out in batches of four; the outgoing Governors to be eligible for re-election, provided that on the occasion of such election, one Governor elected by the subscribers shall be dropped for every Governor that shall have been elected by the Boards of Guardians, until the total number of Governors elected by subscribers shall have been reduced to six.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD MOLLOY,

August 11, 1893.

August 11, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

Mons. F. and K. Reid (Aug. 9), as to the Schedule of the Scheme for the Endowments of the First Presbyterian Congregation of Londonderry.

Rev. J. Brougham (Aug. 9), as to Cumber Presbytery Scheme.

Rev. G. Moyle (Aug. 10), as to Derry Presbytery Scheme.

Rev. M. Murphy (Aug. 10), as to Athlone Presbytery Scheme.

Rev. W. J. Fulton (Aug. 10), as to Down Presbytery Scheme.

Dr. Wilson reported the result of his correspondence with regard to The Eleazar Chapel, Belfast.

The Draft Schemes for the following Endowments were considered, amended, and passed, and ordered to be published on the 14th instant—the usual instructions as to the mode of publication being given:—

No. 208. St. Peter's Schools, and Lower Street Infant School, Dublin. Supplemental Scheme.

No. 209. The Parochial Schools of the Diocese of Meath, and other Endowments in the said Diocese; and the Ardkieran Endowment for the Protestant Poor of Athlone. Amending Scheme.

No. 210. The Incorporated Society for promoting Protestant Schools in Ireland.

No. 211. Gwyn's Charitable Institution and Joseph Young's Charity. Amending Scheme.

No. 212. The Endowments of and belonging to Congregations under the care of the Presbytery of Dromore. Amending Scheme.

The Scheme No. 111 for the Preston Endowment for the Preston School, Navan, the Ballymena Endowed School, and King's Hospital, Oxmantown, was considered, and ordered to be printed in its revised form.

The Commissioners adjourned.

GERALD MOLLOY,

Frederick Redmond, Acting Secretary.

October 4, 1893.

August 29, 1893.

Stated Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD.

Letters read:—

P. L. Capren (Aug. 21), as to Stoneyford National School.

H. C. Kelly (Aug. 21), enclosing amendments to the Scheme to the North East Agricultural Association.

Replies, as drafted, ordered to be sent.

A letter was also read from the Most Rev. Dr. Conaty, as to the Luke Burne Charity. The matter was referred to Monsignor Molloy.

GERALD MOLLOY,

Frederick Redmond, Secretary.

October 4, 1893.

September 18, 1893.

Stated Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD.

A letter (Sept. 7) was read from Very Rev. Dean Maguire, as to additions to the Schedules of the Scheme for the Dioceses of Down and Connor and Dromore.

A reply, as drafted, was ordered to be sent, and the Secretary was also directed to write to Mr. J. J. Murphy on the same subject.

The Commissioners adjourned.

GERALD MOLLOY,

Frederick Redmond, Acting Secretary.

October 4, 1893.

October 3, 1888.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FROTHAM, Mr. Justice O'BRIEN, MUNSTER MOLLOY,  
Dr. WILSON.

A letter was read from Most Rev. Dr. CLEARY, Bishop of Killaloe, as to the Luke Burns Endowment.

A reply, as drafted, was ordered to be written to his Lordship.

The following Draft Schemes were ordered for publication on Saturday, October 7, and the necessary directions in reference thereto were given:—

No. 213. The Endowments of and belonging to Congregations under the care of the Presbytery of Derry. (Amending Scheme.)

No. 214. The Parochial Schools of the Bishops of Down, and Connor, and Dromore. (Amending Scheme.)

No. 215. The Endowments of Richard and Mary Jackson, Monaghan.

No. 216. The Endowments of and belonging to Congregations under the care of the Presbytery of Rathfarnham. (Amending Scheme.)

The Objections lodged with the Clerk of the Privy Council to the Schemes mentioned hereunder, and transmitted to the Commissioners for their observations, were considered, and it was agreed that the observations on the Objections to the Scheme itself should, in each case, be prepared and brought up by the Commissioners named for the purpose, and, in the case of Objections and Amendments to the Schedule, that the observations and corrections should be prepared and made in the office:—

161. Rathfarnham Township.

162. Ballintoy School.

165. The Looney Endowments.

197. Ossory Diocesan Schools.

185. Dublin Presbytery, Amending.

157. Letterkenny Presbytery.

The following letters were read:—

W. L. GILLIAND (Sept. 25), enclosing Objections of the Young Governors to the Amending Scheme for the Gwyn and Young Endowment.

F. and K. REIL (Sept. 7), enclosing Objections to the same Scheme from the Gwyn Governors.

Mrs. DANIEL and DAYL (Oct. 1), asking for prints of the Objections and Observations in the case of the Looney Endowments.

The Governors of St. Peter's Parochial Schools, enclosing Resolution approving of Scheme No. 206, Supplemental Scheme, for the above Endowments.

Rev. L. C. WARREN, Broker of Clonmel, stating desire of Governing Body of Clonmel Charitable School that no Scheme should be prepared for these Endowments.

Letter read from the Rev. A. NEWLAND, as to the present circumstances of a School at Buncrana lately styled as an English School by the Edmund Smith Governors.

Letter in reply, as drafted, was ordered to be sent.

The following Schemes and the Objections thereto were allocated among the Assistant Commissioners, as mentioned in each case, with a view to noting the Objections and preparing the Schemes for revision:—

To Dr. Wilson:—

No. 162. The McGOWAN Endowment.

No. 165. The Dungannon School.

No. 170. The Edwards Endowment, Carrickfergus.

No. 195. The Grilly School.

No. 195. The Crosshill School.

No. 203. Tallycavvy School.

No. 204. Kirkpatrick Endowment.

No. 205. The McNaught Endowment, Coleraine.

No. 211. Gwyn and Young—Amending Scheme.

To Dr. Molloy:—

No. 192. Glanmire Parochial School.

No. 290. The Danor School.

No. 296. North East Agricultural Association.

To Dr. Travers:—

No. 163. Lord WEYMOUTH'S Grammar School, Carrickmacross.

It was agreed the day of meeting should be as usual, and at the usual hours.

A memorandum to be issued in connexion with the Uriel Paul Endowment, and the Revised Draft Scheme for the same Endowment were considered and ordered to be printed.

It was agreed that Public Sittings should be held to consider the Objections to Scheme No. 143, the Vicarant Limerick's Endowment, Dundalk; and to Scheme No. 190, the Stratford Lodge Schools.

A Public Sitting to hear the Objections to the latter Scheme was fixed for Friday, October 20, at the Office.

The Commissioners adjourned.

GERALD MOLLOY,

October 6, 1893.

Frederick Redmond, Acting Secretary.

October 4, 1893.

Meeting of the Commission held this day at the Office, 53, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

The minutes of the meeting of August 11, and of the Stated Attendances of August 29 and September 19 were read and confirmed.

Letters read:—

Rev. Canon Wiley (Oct. 3), as to the Scheme for the Dioceses of Killala and Achonry, J. Johnston (Oct. 3), applying for a copy of the Scheme for Rainey's School, Magherafelt.

Replies, as drafted, ordered to be sent.

Distribution of Office Papers.—Subject to the approval of the Judicial Commissioners the Secretary was authorized, in dealing with official papers, to place on one side the correspondence in reference to the preparation of Schemes, together with the Objections subsequently lodged, and papers dealing with those Objections, for the use of the Commissioners of Charitable Distributions and Bequests.

A series of meetings were arranged and

The Commissioners adjourned.

H. B. WILSON,

October 13, 1893.

Frederick Redmond, Acting Secretary.

October 6, 1893.

Meeting of the Commission held this day at the Office, 53, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. WILSON.

Minutes of meeting of October 3 were read and confirmed.

A telegram from Lord Justice FitzGibbon as to considering the Objections lodged against the Scheme for the Viscount Limerick Endowment, Dundalk, was submitted, and it was agreed that a Public Sitting should be held at the Courthouse, Dundalk, on the 21st instant, at 11 o'clock.

A letter (Oct. 4) was read from Rev. J. G. Rainsford, M.A., as to the Incorporated Society Scheme.

The Commissioners adjourned.

H. B. WILSON,

October 13, 1893.

Frederick Redmond, Acting Secretary.

October 7, 1893.

Meeting of the Commission held this day at the Office, 53, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Letters read:—

Rev. W. L. Berkeley (Oct. 6), as to the Scheme for Belfast Presbytery.

Rev. C. F. D'Arcy (Oct. 6), as to the Amending Scheme for the Dioceses of Down and Connor and Dromore.

Rev. J. G. Burton (Oct. 6), as to the Scheme for the Killaloe Schools.

Replies, as drafted, ordered to be sent.

The following Draft Schemes were finally considered and passed:—

No. 214. Parochial Schools of the Dioceses of Down and Connor and Dromore—Amending Scheme.

No. 215. The Endowments of Richard and Margaret Jackson.

No. 216. The Presbytery of Rathfane—Amending Scheme.

The Commissioners adjourned.

H. B. WILSON,

October 13, 1893.

Frederick Redmond, Acting Secretary.

October 10, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignore MOLLOY, Dr. TRAILL, Dr. WILSON.

Letters read:—

Rev. J. A. Ford (Oct. 9), as to the Scheme for the Banks Endowments, EyreCourt.

H. R. O'Kearney (Oct. 9), as to the Charleville Endowment.

W. Tempest (Oct. 9), as to the Vicarage Limerick Endowment.

Replies, as drafted, ordered to be sent.

Letters also read:—

J. Millar (Oct. 9), as to the Killinchy Schools Scheme.

A. Stoddart (Oct. 9), as to Ulstermen's Presbyterian Scheme.

Rev. E. Orr (Oct. 9), as to the Richard and Margaret Jackson Endowments.

Rev. R. S. D. Campbell (Oct. 9), two letters, as to Month Diocese Amending Scheme, and the Incorporated Society Scheme.

G. W. Johnston (Oct. 7), as to the Vicarage Limerick Endowment.

Rev. J. Keating (Oct. 7), as to the Letterkenny Presbytery Scheme.

The Commissioners adjourned.

H. B. WILSON,

October 13, 1893.

Frederick Redmond, Acting Secretary.

October 13, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignore MOLLOY, Dr. WILSON.

Minutes of the four preceding meetings were read and confirmed.

The following letters were read and reserved for the consideration of the Judicial Commissioners:—

S. Johnson (Oct. 10), as to the Amending Scheme for Downshire Presbytery.

Certain Inhabitants of Dromore (Oct. 3), addressed to His Excellency the Lord Lieutenant, as to Ballykrol National School, Diocese of Down, and Connor, and Dromore.

A draft reply to a letter (Oct. 10) from Rev. P. J. Horan, P.P., as to the Scheme for the Dioceses of Cork, Cloyne, and Ross was also reserved for the consideration of the Judicial Commissioners.

Letters also read:—

W. L. Gilliland (Oct. 10), as to the Amending Scheme for the Gwya and Young Endowments.

Vis. Archdeacon Tait (Oct. 11), as to the Tuam Diocese Scheme.

C. Shielan (Oct. 10), as to the Scheme for the Strabane Academy.

Rev. W. L. Berkeley (Oct. 11), as to the Belfast Presbytery Scheme.

G. H. Major (Oct. 10), as to the Killinchy Schools Scheme.

A letter (Oct. 10) from H. R. O'Kearney, as to the Charleville Endowment, was again submitted, and a reply, as drafted, ordered to be sent.

A letter (Oct. 11) from Rev. J. M'F. Guy, addressed to the Under Secretary, Dublin Castle, as to the Rathcoo Presbytery Scheme, was submitted and referred to Dr. Wilson.

The Scheme for the Uriel Paul Endowment was under consideration, and it was directed that copies of the Revised Scheme, together with the observations thereon, should be sent to all parties interested.

The Commissioners adjourned.

ANTHONY TRAILL,

October 14, 1893.

Frederick Redmond, Acting Secretary.

October 14, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present.—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

- F. K. Reid (Oct. 7), as to the Amending Schemes for the Gwyn and Young Endowments.
- W. P. Chapman (Oct. 9), as to the Incorporated Society Scheme.
- N. Marlow (Oct. 12), as to the Scheme for the Obstwold and Stearns Endowment.
- Rev. Stewart Dickson (Oct. 7), as to the Down Presbytery Scheme.
- Rev. G. Chamberlain (Sept. 21), as to the Eustace Chapel.
- Rev. E. Newland (Oct. 14), as to Buncrana School.
- Rev. J. B. Keane (Oct. 13), as to the Month Amending Scheme, Ardkeen Endowment.
- M. O. Moynagh (Oct. 13), as to the Viscount Limerick Endowment.
- Rev. W. L. Berkeley (Oct. 13), as to the Belfast Presbytery Scheme.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGIBBON,

October 17, 1893.

Frederick Redmond, Acting Secretary.

October 17, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. WILSON.

Minutes of preceding meeting read and confirmed.

Letters read:—

- E. Dickie (Oct. 16), as to documents connected with the Viscount Limerick's Endowment, Dundalk.
- T. J. Byrne (Oct. 16), giving Commissioners use of Dundalk Courthouse on the 31st instant.
- R. Hassard (Oct. 15), as to the Scheme for the Parochial Schools of the Dioceses of Down and Connor and Dromore.

Replies, as drafted, ordered to be sent.

Letters also read:—

- M. O. Moynagh (Oct. 13), } as to the Viscount Limerick Endowment.
- G. W. Johnston (Oct. 14), }
- J. S. Macartney (Oct. 15), as to the Public Sitting to be held on the 20th instant.

The letter read on the 13th instant from Rev. P. J. Horgan, as to the Schools of the Dioceses of Cork, Cloyne, and Ross, was again submitted, and the draft reply approved of; copies of this letter, with covering letters as drafted, were ordered to be sent to:—

Rev. R. L. Flattery, A.M.  
The Secretary, Cork, Cloyne, and Ross Diocesan Board of Education.  
Right Hon. the Earl of Mount Cashel.

A letter from Rev. W. D. Austin, as to the Ossory Diocesan Scheme was referred to the Judicial Commissioners.

The Commissioners adjourned.

GERALD FITZGIBBON,

October 25, 1893.

Frederick Redmond, Acting Secretary.

October 18, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:-Lord Justice FITZGIBBON, Dr. TRAILL, Dr. WILSON.

Letters read:-

Messrs. Molloy and Molloy (Oct. 18), as to the Public Sitting in connection with the Stratford Lodge Schools, Baltinglass.

W. R. Lucy (Oct. 17), as to the Revised Draft Scheme for the Munster Dairy School and Agricultural Institute.

R. Baile (Oct. 14), as to the Meath Diocesan Amending Scheme.

Rev. S. Scoupe (Oct. 17), as to Clankerron Presbytery Scheme.

Rev. J. Steen (Oct. 14), as to the Glebe Request, Dublin Presbytery Amending Scheme.

Replies, as drafted, ordered to be sent.

Letters, as drafted, were ordered to be written to:-

The Secretaries, Commissioners of National Education, as to the Revised Draft Scheme for the Munster Dairy School and Agricultural Institute.

Miss Emily Anderson, as to the Public Sitting in connection with the Stratford Lodge School, Baltinglass.

A notice from the Privy Council Office, Dublin Castle (Oct. 17), as to Ballintoy School, was submitted, and instructions were given thereon.

Memoranda for the assistance of the Judicial Commissioners in the revision of the following Schemes were submitted by Dr. Wilson and passed:-

No. 162. The McGowen Endowments, &c.

No. 165. The Drapetons' School, Killard.

No. 170. The Edwards Endowment, Castlebrop.

No. 195. The Crilly School and Pettigrew Endowment, Athlone.

No. 203. The Tully Overy School, Grey Abbey, and the Allen Endowment.

No. 204. The Kirkpatrick Endowment, Limerick.

No. 206. The Cahugh School, Mullinavat, and McNeight Endowment.

A memorandum as to the revision of Scheme No. 163, Lord Weymouth's School, Carrickmacross, was submitted by Dr. Traill and passed.

The Amending Scheme for the Owya and Young Endowments (No. 211), together with a memorandum on its revision by Dr. Wilson were considered, and directed to be forwarded to Lord Justice FitzGibbon.

Certain instructions having been given as to the Public Sitting to be held on the 20th instant,

The Commissioners adjourned.

GERALD FITZGIBBON,

October 25, 1893.

Frederick Redmond, Acting Secretary.

October 20, 1893.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:-Lord Justice FITZGIBBON, Messrs. Molloy, Dr. TRAILL, Dr. WILSON.

Mr. Macartney, Shorthand Writer, was in attendance.

DRAFT SCHEME No. 130.—THE STRATFORD LODGE SCHOOLS, BALTINGLASS.

(Consideration of Objections and Amendments.)

Lord Justice FitzGibbon made an opening statement.

Mr. T. C. Drury, Barrister-at-Law, instructed by Messrs. Meade and Richardson, was present, and made a statement on behalf of Captain Meade J. C. Dennis.

Mr. Isaac Molloy, of Messrs. Molloy and Molloy, was present, and made a statement on behalf of the Rev. J. Usher, Inmanstown, and the Select Vestry of Baltinglass.

The following were also present and made statements:-

Rev. J. Usher.

Captain Meade J. C. Dennis.

Mr. Ralph Dagg.

Mr. Peter Douglas.

Mr. George Leonard.

Miss Anderson.

The Commissioners adjourned.

GERALD FITZGIBBON.

October 25, 1893.

Frederick Redmond, Acting Secretary.

October 21, 1893.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Dundalk.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Mr. RYAN, Shorthand Writer, was in attendance.

Lord Justice FitzGibbon made an opening statement.

THE VISCOUNT LIMERICK ENDOWMENT.

(Objections and Amendments).

Mr. Robert DICKIE, Solicitor, appeared for Mr. G. W. JOHNSTON, Head Master of Dundalk Endowed School.

Mr. Michael MOYNAGH, Solicitor, appeared for the Town Commissioners of Dundalk.  
The following made statements:—

Mr. William R. BOYCE, Solicitor.

Mr. Robert DICKIE, Solicitor.

Mr. Michael MOYNAGH, Solicitor.

Very Rev. PATRICK BEGHEY.

Mr. J. M. JOHNSTON.

Mr. T. A. FINCH.

The following were examined, having been sworn on a previous occasion:—

Mr. G. W. JOHNSTON.

Rev. J. G. BRADFIELD.

Mr. G. E. STRANGA.

The following were sworn and examined:—

Mr. THOMAS ROA, s.p., Chairman of Town Commissioners.

Mr. J. M. JOHNSTON, Secretary, Dundalk Library Committee.

The Commissioners adjourned and subsequently visited the Dundalk Endowed School.

Frederick Redmond, Acting Secretary.

October 25, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Dr. TRAILL, Dr. WILSON.

Mинutes of two preceding meetings, and the Public Sitting of October 20, were read and confirmed.

Letters read:—

J. C. POWELL (Oct. 23), as to the Uriel Paul Scheme.

Rev. J. CORKERY (Oct. 19), as to the Glendalough Presbytery Scheme.

The Secrecy, Representative Church Body (Oct. 20), sends "Consent" re the Team Diocesan Scheme.

Rev. M. Murphy (Oct. 23), as to the Athlone Presbytery Scheme.

Rev. H. KINGSMILL MOORE (Oct. 23), as to the Team Diocesan Scheme.

T. H. HOWE (Oct. 23), as to the Scheme for the McGOWAN ENDOWMENTS.

Rev. R. JEFFREY (Oct. 24), as to the Armagh Presbytery Scheme.

Rev. J. D. C. HUNTON (Oct. 24), } as to the Belfast Presbytery Scheme.

Rev. E. BARRON (Oct. 24), }

Rev. W. L. BERKELEY (Oct. 24), } as to the Belfast Presbytery Scheme.

A letter (Oct. 24) was also read from Mr. DAVID MORROW, with enclosure, as to Ballykeel School, Diocese of Down and Connor and Dromore, and a letter, as drafted, was directed to be written to the Rev. CANON HAYES on the subject.

The Scheme for the PARSONS PERSE ENDOWMENT was under consideration, and a letter, as drafted, was directed to be written to Mrs. PARSE, THE CROFT, GALWAY.

The Commissioners adjourned.

GERALD FITZGERALD,

October 27, 1893.

Frederick Redmond, Acting Secretary.

October 27, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. William Thompson (Oct. 25), as to the Annesley Scheme for the Dioceses of Down and Connor and Dromore.

The Under Secretary, Dublin Castle (Oct. 21), as to the Carrickfergus Presbytery Scheme.

Rev. W. G. Stodd (Oct. 18), as to the Dromore Presbytery Scheme.

Replies, as drafted, ordered to be sent.

Certain questions with regard to the Schemes for the following Endowments were under consideration:—

No. 89, The Parochial Schools of the Dioceses of Down and Connor and Dromore.  
No. 113, The Urith Paul Endowment.

The Commissioners adjourned.

H. H. Wilson,  
November 1, 1893.

Frederick Redmond, Acting Secretary.

November 1, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignore MOLLOY, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Letters read:—

Rev. R. E. O'Laughlin (Oct. 31), as to Armagh Presbytery Scheme.

J. M. Whelan (Oct. 30), as to an alleged bequest of Mrs. Clancy, Roscommon.

Replies, as drafted, ordered to be sent.

Letters also read:—

Rev. R. E. O'Laughlin (Oct. 30), as to the Scheme for Jackson's Schools, Monaghan.

Rev. R. Wallace (Oct. 30), as to Omagh Presbytery Scheme.

Rev. Digby S. Osako (Oct. 30), as to the Schedule of Schemes for Diocesan Schools of Dublin, Glendalough, and Kildare.

Mr. Prentiss (Oct. 26), as to Purseaux Power Endowment, Galway.

J. C. Fraenkel (Oct. 27). } as to the Urith Paul Endowment.

T. T. L. Overend (Oct. 27). } as to the Urith Paul Endowment.

T. A. Finch (Oct. 29), as to the Scheme for the Incorporated Society Schools.

Rev. James Wilson (Oct. 27), as to the Belfast Presbytery Scheme.

Rev. W. L. Berkeley (Oct. 28), as to the Belfast Presbytery Scheme.

The question of fixing dates for holding Public Sittings in connection with certain Endowments were under consideration.

The Commissioners adjourned.

GERALD MOLLOY,  
November 4, 1893.

Frederick Redmond, Acting Secretary.

November 3, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

A letter (Nov. 1) was read from Mr. W. J. Biggar, as to Gortinasey School, Glendermot Presbytery, and a reply, as drafted, ordered to be sent.

A letter on the same subject was directed to be written to the Minister of Gortinasey Congregation.

Letters also read:—

W. J. Carroll (Nov. 3), } as to the Revised Draft Scheme for the Diocese of Dublin,  
Rev. J. Milner (Nov. 1), } Clogher, and Killan.  
The Under Secretary, Dublin Castle (Oct. 31), as to office arrangements.  
W. P. Chapman (Nov. 3), enclosing suggestions as to the Incorporated Society Scheme.

The following letters were referred to the Judicial Commissioners:—

Rev. T. Moore (Nov. 2), as to the Kilworth Endowment, in connection with the Scheme for the Diocese of Cork, Cloyne, and Ross.

The Secretary, Committee of National Education (Nov. 1), as to the Scheme for the Munster Dairy and Agricultural Institute.

The Commissioners adjourned.

GERALD MOLLOY,  
November 4, 1893.

Frederick Redmond, Acting Secretary.

November 4, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.  
Minutes of two preceding meetings were read and confirmed.

Letters read:—

Rev. J. H. Gatchell, o.s.c. (Nov. 3), as to Edwards' School, Castlederg.  
Messrs. Cranage and Greer (Nov. 3), as to Scheme No. 149, the Cranage Bequest; and  
Scheme No. 204, the Kirkpatrick Endowments.

Replies, as drafted, ordered to be sent.

Letters also read:—

H. C. Kelly, as to Scheme No. 206, the North-East Agricultural Association.  
J. E. Magill (Nov. 3), as to Hugh Henry Boyd's Endowment.

The Commissioners adjourned.

H. B. WILSON,  
November 18, 1893.

Frederick Redmond, Acting Secretary.

November 8, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. WILSON.

Letters read:—

Rev. T. G. Polverelli (Nov. 7), as to Scheme for Parochial Schools of the City of Dublin.  
The following relating to the same Scheme were also read:—

William F. Darley, o.s.c. (Nov. 7).  
Rev. C. J. McCready (Nov. 7).  
R. H. Beauchamp (Nov. 7).  
Edward Hamilton (Nov. 8).

The following letters were also read:—

Rev. B. Wallace (Nov. 7), as to the Scheme for Onagh Presbytery.  
Rev. G. F. D'Arcy (Nov. 4), sending additional particulars as to the Amending Scheme for the Dioceses of Down and Connor and Dromore.

The following letters were read and referred to the Judicial Commissioners:—

Rev. H. Kingenill Moore (Nov. 7), as to the Church of Ireland Training College.  
Messrs. Cranage and Greer (Nov. 5), as to the Cranage Bequest.  
Gerald Perse (Nov. 4), as to Parsons Perse Endowment.  
C. O. C. Fitzsimon (Nov. 4), as to the Preston Endowment, Ballyroan.

The Commissioners adjourned.

H. B. WILSON,  
November 18, 1893.

Frederick Redmond, Acting Secretary.

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

November 10, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Letters read:—

McNeill and Williams (Nov. 9), as to the Kirkpatrick Endowment.

R. Hassard (Nov. 9), as to Parkmore School.

Rev. R. Waller, Rev. C. W. Hunter, and John Hiney, as to Clonfin School.

Rev. Jas. Mitchell (Nov. 9), as to Ballykeel School.

W. B. Lucy (Nov. 9), as to Munster Dairy School Scheme.

H. G. Kelly (Nov. 9), as to Clonsilla National School.

Rev. J. B. McBride (Nov. 9), as to Derry Presbytery Scheme.

Rev. L. Teape (Oct. 31), addressed to Mr. Traill, as to Glendalough Scheme.

W. R. Hayes (Nov. 9), enclosing suggestions for amendment of the Scheme for Viscount Linseck's Endowment.

Rev. Geo. T. Cooper (Nov. 9), as to Rathfriland Presbytery Scheme.

Rev. H. Kingsmill Moore (Nov. 9), enclosing suggestions from the Education Committee of the Standing Committee of the General Synod, as to the Scheme for the Incorporated Society.

Rev. R. Jeffrey (Nov. 9), as to Aranagh Presbytery Scheme.

Rev. Joseph Corley (Nov. 9), as to Glendalough Presbytery Scheme.

John C. Poaden (Nov. 9), as to Conference re Ulster Paul Scheme.

Rev. D. B. Moore (Nov. 9), as to Killinelly Scheme.

The condition of the batch of Schemes due for signature on the 11th November instant was considered.

The Commissioners adjourned.

H. B. WILSON,

November 18, 1893.

Frederick Redmond, Acting Secretary.

November 11, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

SCHEME No. 118.—THE ULSTER PAUL ENDOWMENT—REVISED SCHEME.

The following attended and conferred with the Commissioners as to the above Scheme:—

T. T. L. Overend, Solicitor for the Trustees.

Joseph W. Dens.

Rev. F. Le Hunt.

Joseph E. Dens Drake.

Mrs. Dens Drake.

A letter (Nov. 4) from Gerald W. Percey relating to the Parishes Percey Endowment, Co. Galway, was considered, and a reply, as drafted, was ordered to be sent.

The Commissioners adjourned.

H. B. WILSON,

November 18, 1893.

Frederick Redmond, Acting Secretary.

November 15, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Dr. TRAILL, Dr. WILSON.

SCHEME No. 197.—THE IRELAND CLERGY DAUGHTERS SCHOOL.

The following persons attended and conferred with the Commissioners as to the above Scheme:—

His Grace Lord Plunket, Archbishop of Dublin.

Rev. J. Twigg, Q.C.

Rev. Canon Monahan.

Edward Steele.

Commissioners adjourned.

H. B. WILSON,

November 18, 1893.

Frederick Redmond, Acting Secretary.

November 17, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The following letters were read:—

His Grace Lord Plunket (Nov. 12), enclosing Consent for inclusion of Griffith Endowment in the Scheme for the Dioceses of Dublin, Glendalough, and Kildare.

Messrs. McNeill and Williams (Nov. 14), as to the Kirkpatrick Endowment, Larna.

Rev. A. Open (Nov. 14), as to the Scheme for the Incorporated Society.

Rev. W. T. Currie (Nov. 14), as to the Scheme for the Presbytery of Coleraine.

Rev. H. E. Moore (Nov. 15), enclosing Consent signed by Rev. G. T. Stokes for the inclusion of All Saints' School, Blackrock, in the Scheme for the Dioceses of Dublin, Glendalough, and Kildare.

The following letters were also read and referred to the Judicial Commissioners:—

J. Johnson (Nov. 14), as to the Scheme for Vincent Limbrick's Endowment, Dundalk.

H. O. Kelly (Nov. 15), as to a Scheme for a National School.

Messrs. Crumisic and Greer (Nov. 14), as to the Scheme for the Crumisic Bequest.

The Commissioners adjourned.

H. B. WILSON,

November 18, 1893.

Frederick Redmond, Acting Secretary.

November 18, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of the six preceding meetings were read and confirmed.

Certain amendments submitted by the Standing Committee of the Church of Ireland to the Scheme for the Incorporated Society were considered, and suggestions thereon were prepared for the assistance of the Judicial Commissioners in the revision of the Scheme.

The Commissioners adjourned.

GERALD MOLLOY,

December 18, 1893.

Frederick Redmond, Acting Secretary.

November 22, 1893.

Meeting of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FIRTHGIBSON, Monsignor MOLLOY, Dr. WILSON.

Letters read:—

The Secretary, Commissioners of National Education (Nov. 21), as to the Schemes for the Munster Dairy School and Agricultural Institute.

The Secretary, Cork Chamber of Commerce, Enclosing Resolutions of their respective

The Secretary, Cork Harbour Board, Boards approving of the Schemes for the

The Secretary, Cork Board of Guardians, Munster Dairy School and Agricultural

The Secretary, Cork Butter Market, Institute.

R. Andrews (Nov. 21), as to Crossacill School.

Messrs. Crumisic and Greer (Nov. 20), enclosing objections to Scheme for the Crumisic

Bequest.

Rev. W. McCay (Nov. 18), as to Coleraine Presbytery Scheme.

The following letters were also read:—

Rev. S. F. Dudley James (Nov. 20), as to Evidence re Glenarm School.

Rev. C. P. D'Arcy (Nov. 22), as to Scheme for the Parochial Schools of Down, Connor, and Dromore.

Replies, as drafted, ordered to be sent.

The following letters were read and referred to the Judicial Commissioners:—

Rev. J. Porter (Nov. 21), as to Ballyvoy School, Presbytery of Carrickfergus.

Rev. Arthur E. Wynne (Nov. 17), as to the Scheme for the Parochial Schools of the Dioceses of Dublin, Glendalough, and Kildare.

The Commissioners adjourned.

GERALD MOLLOY,

November 18, 1893.

Frederick Redmond, Acting Secretary.

November 24, 1893.

Meeting of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The following letters were read:—

Very Rev. Edward Maguire (Nov. 22), enclosing return as to McGowen Endowment, Bangor.  
Rev. Canon Wilby (Nov. 23), as to the Scheme for Parochial Schools of Killala and Achonry.  
Messrs. Regan (Nov. 18), enclosing Resolution of Mayo Board of Guardians as to the Scheme for the Munster Dairy School and Agricultural Institute.

Rev. C. W. Hunter (Nov. 23), enclosing Consent to inclusion of Kildalagh School in Coleraine Presbytery Scheme.

Rev. J. F. Cole (Nov. 22), as to Portadown Free School.

Rev. C. F. D'Arcy (Nov. 23), as to Scheme for Parochial Schools of Down, Connor and Downane.

Rev. James Smyth (Nov. 24), as to Coleraine Presbytery Scheme.

Edward Ward (Nov. 22), as to Consents re Scheme for Dioceses of Dublin, Glendalough, and Kilmore.

A letter from Alex. McDonald (Nov. 23), as to use of Glenarm School for a Public Inquiry on the 2nd proximo was read; the offer therein contained of the use of the Courthouse was accepted, and a letter, as drafted, was directed to be sent to Mr. McDonald.

A letter from J. Moran (Nov. 22), as to Tullycavvy School, was read and referred to the Judicial Commissioners.

The Commissioners adjourned.

GERALD MOLLOY,

December 16, 1893.

Frederick Redmond, Acting Secretary.

November 25, 1893.

A Public Sitting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. TRAILL, Dr. WILSON.

DRAFT SCHEME NO. 62.—THE MUNSTER DAIRY SCHOOL AND AGRICULTURAL INSTITUTE.  
(Objections and Amendments).

Mr. Macartney, Shorthand Writer, was in attendance.

Lord Justice FitzGibbon made an introductory statement.

Piers F. White, q.c. (instructed by Messrs. Galvin and Dwyer), appeared on behalf of the Commission of National Education and made a statement.

The following gentlemen were also present, representing the Local Committee of the School, and made statements:—

Sir George St. John Collyer.

James Byras, J.P.

C. J. Dunn, J.P.

Ludlow Bonnich, J.P.

Mr. J. B. Lacy, Secretary to the Local Committee, was also in attendance.

A Meeting of the Commission was also held this day, the same members being present.

The Declaration of the Lord Lieutenant in the matter of Scheme No. 90, the Diocesan School and Benagher Royal School Endowments, was considered and discussed.

A letter from Rev. C. F. D'Arcy, as to the Scheme for the Dioceses of Down, Connor, and Dromore was read, and a reply, as drafted, was ordered to be sent.

The Commissioners adjourned.

GERALD MOLLOY,

December 16, 1893.

Frederick Redmond, Acting Secretary.

November 29, 1893.

Second Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Letters read:—

H. C. Kelly (Nov. 28), re a Scheme for a National School.

W. E. Purser (Nov. 28), enclosing Consent re Schemes Nos. 147 and 158.

John Jellie (Nov. 28), as to Glenarm School.

Rev. J. M. Rodgers (Nov. 28), asking for copy of Derry Presbytery Scheme.

Robert Sturgeon (Nov. 28), as to Carricknawagh National School.

The following letters were read, and replies, as drafted, ordered to be sent.

Rev. Wyndham C. Guinness (Nov. 27), as to Dublin, Glendalough, and Kildare Parochial Schools Scheme.

John Moran (Nov. 23), as to Tullycavvy Scheme.

Rev. S. F. Dudley-Jones (Nov. 26), as to the approaching Public Inquiry at Glenarm Courthouse.

J. M. Johnson (Nov. 27), as to Viscount Limerick's Endowment; and also asking for copies of the Reports of the Committee.

Rev. W. L. Berkeley (Nov. 28), as to additional Endowments for Belfast Presbytery Schools.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD MOLLOY,  
December 16, 1893.

December 2, 1893.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Glenarm, County Antrim.

Present:—Lord Justice FitzGibbon, Monsignor Molloy, Dr. Traill, Dr. Wilson.

Mr. J. McBride, shorthand writer, was in attendance.

SCHEME 192.—GLENARM PAROCHIAL SCHOOL.

(Objections and Amendments).

Mr. R. F. Harrison, B.L., instructed by Messrs. Crombie and Greer, appeared on behalf of the Earl of Antrim.

Mr. R. F. Todd, M.A., appeared on behalf of the Presbyterian Body of Glenarm.  
The following were also present:—

Right Hon. the Earl of Antrim, and Lady Antrim.

Rev. S. F. Dudley-Jones.

Rev. G. M. Cowden.

Lord Justice FitzGibbon made an opening statement.  
Mr. Harrison made a statement.

The following were sworn and examined:—

Alexander McDonald, J.R.

James Legge.

Rev. G. M. Cowden.

Thomas Hunter.

Rev. R. M. King.

John Jellicoe.

Mr. Todd, M.A., and Rev. S. F. Dudley-Jones made statements.  
Lord Justice FitzGibbon made a concluding statement.

SCHEME No. 193.—CHOMKILL NATIONAL SCHOOL, CONNOR.

The following were sworn and examined:—

Robert Andrews.

Rev. Samuel Eaton, M.A.

The Commissioners adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

December 6, 1893.

Stated Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor Molloy, Dr. Wilson.

A letter (Nov. 30), from the Secretary, Commissioners of Charitable Donations and Bequests, as to the preparation of a Scheme for the Luke Burke Endowment, Templeboy, was read, and referred to the Judicial Commissioners.

The following letters relative to the Scheme for the Parochial Schools of the City of Dublin, and the Diocese of Dublin, Glendalough, and Kildare were read:—

Rev. Henry Irwin (Nov. 30), refusing Consent to schedule Newtown Mount Kennedy School.

Arthur H. Orpen (Nov. 30), enclosing a refusal from the Vestry of Stillorgan Parish to schedule their property under the Scheme.

M. J. Green (Nov. 30), enclosing a similar refusal as to Donoughmore School.

Thomas G. Townshend (Nov. 30), enclosing Consents as to Hill Parochial Endowments.

Rev. A. D. Purdy (Nov. 30), enclosing Consents as to Chapelizod Parochial School.

The Commissioners adjourned.

GERALD MOLLOY,

December 16, 1893.

Frederick Redmond, Acting Secretary.

December 8, 1893.

Stated Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

The following letters were read:—

Rev. Thomas P. Morgan (Dec. 7), asking to have St. John's Place National School included in the Amending Scheme for the Dioceses of Down, Connor, and Dromore.

J. Pyper (Nov. 29), as to the Scheme for the McElwane Endowments, County Down.

Rev. Thomas Value (Dec. 6), enclosing names of Committee of Cronkhill School.

The following letters were referred to the Judicial Commissioners:—

Rev. J. B. Keens (Dec. 7), enclosing amendments and additions to the Schedule of the Meath Diocesan Schools.

Rev. James Scott (Dec. 7), as to the Gibbons Bequest, Presidency of Dublin Scheme.

Robert J. Porte (Nov. 30), as to Ballymoney School, Presidency of Carrickfergus.

Rev. Thomas Moore (Dec. 7), as to the Kilworth Endowment, Dioceses of Cork, Cloyne, and Ross.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD MOLLOY,  
December 16, 1893.

December 9, 1893.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Mr. Charles Ryan, the Sheriffs' Writer, was in attendance.

Lord Justice FITZGIBBON made an introductory statement.

## SCHEME NO. 200.—THE PAROCHIAL SCHOOLS OF THE DIOCESE OF MEATH, AND THE ARKEENAN ENDOWMENT.

## (Objections and Amendments).

Mr. James Campbell, Q.C. (instructed by Messrs. H. T. Dix and Sons), appeared for the Incumbent and Select Vestry of St. Peter's, Athlone, and made a statement.

Rev. R. S. D. Cuspland, B.D., Incumbent of St. Mary's, Athlone, appeared in person, and made a statement.

J. Vaughan was sworn and examined.

Rev. Canon J. B. Keens, M.A., made a statement.

## SCHEME NO. 210.—THE INCORPORATED SOCIETY.

## (Objections and Amendments).

Mr. James Campbell, Q.C. (instructed by Messrs. H. T. Dix and Sons), appeared for the Society and made a statement.

Rev. R. S. D. Cuspland, B.D., and Thomas H. Finch, M.A., two of the objectors appeared in person, and made statements.

The following persons were also present and made statements:—

His Grace the Lord Archbishop of Dublin.

Rev. H. Kingsmill Moore, on behalf of the Standing Committee of the General Synod.

The Very Rev. the Dean of St. Patrick's.

Rev. Canon Jellett.

Rev. Canon Walsh.

Rev. J. W. Tristram, B.D.

W. J. McClelland, M.A., Head Master of Seminary School, Dublin.

Robert Bell, M.A., Head Master of the Bannings School, Athlone.

Wellenley P. Chapman, Secretary to the Incorporated Society.

Lord Justice FITZGIBBON made a concluding statement.

The Commissioners adjourned.

Frederick Redmond, Acting Secretary.

GERALD MOLLOY,  
December 16, 1893.

December 15, 1893.

Stated Attendance of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY.

The following letters were read:—

Rev. C. W. Gandy (Nov. 23), enclosing Consents for inclusion of Castledermot School in the Scheme for the Dioceses of Dublin, Glendalough, and Kildare.

Rev. T. P. Morgan (Dec. 11), enclosing particulars and Consents for the inclusion of St. John's Place National School, Larne, in the Amending Scheme for the Dioceses of Down, Connor and Dromore.

The following letters were read, and replies, as drafted, ordered to be sent:—

Rev. Josias Mitchell (Dec. 8 and 9), as to the description of Edentecilla School in the Amending Scheme for the Presbytery of Donegal.

Rev. N. H. James (Dec. 13), as to the Amending Scheme for the Diocese of Armagh.

Rev. R. J. Porter (Dec. 13), as to the Scheme for Armagh Presbytery.

The following letters were read and referred to the Judicial Commissioners:—

Rev. S. F. Dudley Jauns, several letters and documents relating to the Scheme for Glenarm School.

T. E. Magill (Dec. 9), as to the Scheme for Croomhill School.

A letter (Dec. 7) from the Rev. Thomas Moore, as to the Kilworth Endowment, Dioceses of Cork, Cloyne, and Ross was read, and it was directed that it should be brought up along with the Amending Scheme to a Full Meeting of the Commission.

The Commissioners adjourned.

GERALD MOLLOY,

December 16, 1893.

Frederick Redmond, Acting Secretary.

December 16, 1893.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of three preceding meetings and six Stated Attendances were read and confirmed.

The state of the business yet remaining to be done by the Commissioners were considered, and the Schemes still pending in the office were arranged in order, according to the stage of their progress, with a view to their consideration and completion in the future.

A letter, as drafted, was directed to be sent to the Secretary of the Limerick Diocesan Council.

The Commissioners adjourned.

WILLIAM O'BRIEN.

Frederick Redmond, Acting Secretary.

January 3, 1894.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Monsignor MOLLOY,  
Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The following letters were read:—

Rev. T. Browne, F.R.S., Mungrat, as to provision for building a National School, in the Schemes for the Limerick Endowment for Technical Education.

The Secretary, Incorporated Society, as to the progress of the Schemes.

Mr. Moynagh, Solicitor, as to the Vincent Limerick Endowment, Dundalk.

The Secretary, Representative Church Body, enclosing Resolution of that Body as to dealing with Schools vested in them in the Schemes for the Parochial Schools of Dublin, Giscleagh, and Kildare.

The Clerk of the Letterkenny Presbytery, as to Millford School, Congregation of Ballindrait.

The Rev. H. Torpy, M.A., as to the Crofton Schoolhouse, Clondalkin.

Replies, as drafted, ordered to be sent.

The following letters and documents were also read:—

Order of the Privy Council, dated December 29, 1893.

Messrs. H. T. Dix and Sons, as to the Schemes for Clonmel Parochial Schools.

The Clerk of the Carrickfergus Presbytery, as to the exclusion of Ballyroy School from the Scheme for that Presbytery.

The Town Clerk, Limerick, as to the valuation of Borboro' Road School.

A letter was read from C. O'C. Fitzsimon, Solicitor (Jan. 1), asking for certain particulars as to the Queen's County Preston Endowment.

The letter was referred to the Commissioners of Education.

The Commissioners adjourned.

GERALD FITZGIBSON,

August 1, 1894.

N. D. Murphy, Secretary.

April 14, 1894.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Dr. TRAILL.

The following Schemes were considered and passed, and ordered to be published on April 16:—

217. Parochial Schools of the Dioceses of Cork, Cloyne, and Ross.—Further Amending Scheme.

218. The Clevedon Parochial School, and the Ladymore and Pomeroy Endowments.

The following letters were read:—

Rev. T. Brown, D.D., as to building grant from the Limerick Endowment for Technical Education for a House Nuisance Relief at Mungrish.

Most Rev. Dr. O'Dwyer, electing to take the Louny Scheme under the provisions of Scheme No. 96.

B. J. Peeter, as to proceedings for taking Ballywry Relief out of the Schedule to Scheme No. 27 for the Carrickfergus Presbytery.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

HERALD FITZGERALD,

August 1, 1894.

N. D. Murphy, Secretary.

August 1, 1894.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BUICK, Monsignor MOLLOY, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Real Order of the Lord Lieutenant in Council extending the powers of the Commission with regard to certain specified Endowments to December 31, 1894.

On the consideration of the question of preparing the Final Report of the Commission, it was agreed that the Report should be signed on November 1, 1894.

Real letter of the Clerk of the Privy Council confirming Scheme No. 106 for the Endowments of the Presbytery of Down, with a declaration that the Commissioners do consider whether it is expedient to proceed with the Scheme. On consideration of the Scheme and the objections of the Managers of several of the Endowments dealt with to have the same included in the Scheme, it was resolved not to proceed further with the Scheme, the Endowments remaining being insignificant in number and in value.

The following letters were read:—

Rev. W. Anlagh, Incumbent of Finglas, objecting to certain parts of the Endowments of Finglas Parochial School being dealt with in Scheme No. 147.

The Town Clerk, Dundalk, as to the progress of Scheme No. 143, for the Viscount Limerick Endowment.

Captain Maud J. C. Denie, as to excessive expense required by the Board of Works Surveyor in connection with the building of the new Stratford Lodge Schools.

Replies, as drafted, ordered to be sent.

On the consideration of Scheme No. 125 for the Charitable Endowment, and the objections thereto, it was resolved:—

That the Scheme be revised on the following principles:—

1. That the distribution of the fund since 1877 be taken as the basis for a permanent division between Protestant and Catholic objects, and, accordingly, that two-thirds be taken as the Protestant share and three-fifths as the Catholic share.
2. That a Local Committee for both Monastir and Longford be established for each denomination, to meet annually, as directed by the Will of the Founder, in Navan and Longford, alternately, before each distribution of the fund.
3. That, in the distribution of the funds, Mental elements shall be entitled to two-thirds, as provided in the will of the Founder, if, in the opinion of the Committee, suitable objects can be found; and that Longford elements shall be entitled to the remaining third.
4. That claims for marriage portions shall have an absolute priority, and that any surplus may be applied to the advancement of day labourers' daughters.
5. That each Local Committee shall consist of:—

- I. The Bishop or his nominee,
- II. The High Sheriff of Meath and Longford,
- III. One representative from each Board of Guardians in Meath and Longford;

and that power be given to each Committee to co-opt as many Governors as will bring the total of each Committee to thirteen members.

6. That the Central Body shall consist of eight numbers, four to be appointed by each Committee.
7. That each marriage portion be not less than £10, nor more than £15.
8. That the Local Committees shall have power to prescribe the procedure as to claims, evidence of qualification and character, and the mode in which the portion is to be applied; and also to provide that it may be paid on or after marriage, and subject to proper conditions.
9. That the Scheme be accompanied by a memorandum setting forth principles on which it is framed.

**Scheme No. 143.—THE VISCOUNT LIMESICK ENDOWMENT, DUNDALK.**

It was agreed that the Scheme should be revised by the Judicial Commissioners on the following principles:—

That account be taken of all pupils who come up from Schools in the Dundalk district to the Intermediate Examinations, and that the amount in each year available be distributed between the teachers of those Schools, in equal shares for every pupil who has passed the examination, which must in every grade, including the preparatory grade, include English and Latin.

That express power be given to the Commissioners of Education to dispose of the School premises by private contract to Lord Redan, or to the Dundalk Town Commissioners, for a public purpose, at not less than £40 a year, or £600.

**Scheme No. 144.—THE ERASMUS SMITH ENDOWMENTS.**

The question of revising the Draft Scheme was discussed, and the further consideration was adjourned to the next day.

The Commissioners adjourned.

GERALD FITZGERALD,

October 11, 1894.

M. D. Murphy, Secretary.

August 2, 1894.

Meeting of the Commission held this day at the Office, 28, Nassau Street, Dublin.

Present:—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Monsignor MORLON, Dr. THAHLI, Dr. WILSON.

On the consideration of the Schemes mentioned hereunder, and the Objections lodged thereto, rulings were made as in each case mentioned:—

**Scheme No. 181.—THE KILMEAGUE SCHOOL.**

Refer to the minutes of August 1, 1893. Possession of the land adjoining the Schoolhouse having been now obtained, not less than one acre is to be secured for the purposes of the School; power to be given to the Governors to deal with the rest of the land, and with the old School premises, to the best advantage. No part to be sold to the landlord, or otherwise without the consent of the Commissioners of Bequests; the two first co-opted Governors to be the Rev. J. H. Murphy, LL.B., and R. M. Wilson; the Scheme to provide for the election of a Governor by the Select Vestry upon their contributing annually £5 for the School.

**Scheme No. 144.—THE ERASMUS SMITH ENDOWMENTS.**

The Judicial Commissioners appoint Monday, October 22, in the Court of Chancery at 12 o'clock, to dispose of the case; notice to be sent to parties interested not less than fourteen days previously.

Dr. Wilson read a memorandum in substitution for that previously submitted for the consideration of the Judicial Commissioners.

**Scheme No. 163.—VISCOUNT WEYMOUTH'S GRAMMAR SCHOOL, CANTERBURY.**

The Deed of Foundation to be revised more fully; power to be given to the Governing Body to co-opt two additional Governors.

**Scheme No. 180.—PARSONS PARSEY'S CHARITY.**

Scheme to be revised; Messrs. G. D. Parsons and Burton W. Parsons to be named in the Scheme as the first members of the Committee representing the Estates.

**Scheme No. 192.—THE GLENARM SCHOOL.**

The Governing Body to consist of Lord Antrim and his nominee, Mr. MacDonald, Lady Antrim, and not more than two co-opted Governors, one of whom, Mr. McFerran, is to be named in the Scheme, and another to be co-opted after the Scheme comes into force. The School to be under the Rules as to Vested National Schools.

**No. 193.—THE CROMKILL SCHOOL, CONNOR.**

The present School Committee to be incorporated.

**No. 203.—THE TULLYCARTY SCHOOL, GREY ABBEY.**

The Governing Body to consist of the owner of the Dunover Estate, and his nominee, the minister, as defined in the Scheme, two Governors representing the subscribers, and two co-opted Governors.

## No. 204.—THE KIRKPATRICK ENDOWMENT, LARNE.

The property not to be transferred from Larne. Scheme to be revised with the amendments agreed to by Dr. Trail and Dr. Wilson.

## No. 211.—THE GWYN AND YOUNG ENDOWMENTS—Amending Scheme.

The Scheme to be revised. "The Governors" to be defined to mean the joint Governors of both the Endowments. Wherever the word Governor is used in connection with the Gwyn Endowment, or the Young Endowment, separately, it shall mean the Gwyn Governors or the Young Governors, as the case may be.

## No. 214.—THE PAROCHIAL SCHOOLS OF THE DIOCESES OF DOWN, AND Connor, AND DROMORE—Amending Scheme.

To be revised, subject to the necessary correspondence.

## No. 215.—THE JACKHORN ENDOWMENT, MONAGHAN.

It was agreed as follows:—

- On the construction of the Will of the Founder, the Wesleyan Methodist minister does not appear to be entitled to be placed on the Governing Body.
- No long as there are objects available, the Scheme should provide for the apportionment of the rents among the five charitable objects named in the Will.
- On the failure of any of these objects, power to be given to the Governing Body to apply the rents to the other objects named in the Will.

## No. 217.—THE PAROCHIAL SCHOOLS OF THE DIOCESES OF CORK, CLOTHE, AND ROSE—Further Amending Scheme.

Scheme to be revised, and to provide that any money subject to the trusts of the Wills shall be held, by the Diocesan Board, in trust to transfer the same to the Board of Beggars, if and when so required by them, for the benefit of the poor of Kilworth; the interest in the meantime to be paid to the Board of Beggars, for the same purpose, if they be willing to receive it. Failing both these, the money to be held by the Diocesan Board, to be applied as the Scheme shall direct.

## Scheme No. 218.—THE CHARLES PAROCHIAL ENDOWMENTS.

The Scheme to be revised. The opinion of the Corporation of Clonmel was considered, and it was ruled that, in the opinion of the Judicial Commissioners, both the Ladyman Endowment and the Poweroy Endowment are perpetual rent-charges secured as stated in the Draft Scheme.

## Scheme No. 85.—CARTFORT ROYAL SCHOOL ENDOWMENTS.

With reference to the application of the Rev. J. O'Malley, D.D., for an Amending Scheme for the Cartfort Royal School Endowments, the Secretary was directed to write to him in terms as drafted.

It was referred to Dr. Molloy to draw up the Final Report of the Commission, the Report to be considered in October.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

Thursday, October 11, 1804.

Meeting of the Commission held this day.

Present:—Lord Justice FITZGERALD, Judge O'BRIEN, Monsignor MOLLOY, Dr. WILSON.

Following letters were read:—

Secretary, Education Board of the Hibernian Presbytery, as to investment of the Blair Bequest.

James Merry, objecting to the Scheme for the Parochial Schools of St. Nicholas Without and St. Luke.

M'Neill and Williams, as to particulars of the Kirkpatrick Endowment, Scheme No. 204. James Moran, as to Tullycavvy School, objecting to clause in the Scheme providing for the disposal of the School premises on discontinuance of the School.

Rev. D. Humphreys, asking for what precise purpose the sitting fixed for October 23 is to be held.

Letters, as drafted, ordered to be sent.

Following letters were also read:—

Rev. D. R. Moore, sending documents as to the working of the Killinchy School Scheme; Rev. E. E. Dudley-Jama, as to Glanmire School.

To be sent to Lord Justice FITZGERALD.

The Scheme for the Charlton Endowment, as revised, was considered, and it was agreed a power should be given to each Committee, with the concurrence of two-thirds of its members for the time being, by resolution, to arrange from time to time, for such periods

as they may think fit, for the absolute alienation of two-thirds of the net fund to Meath, and one-third to Longford, and for the administration of each respective portion by the members of the Committee representing the County. In the event of such an arrangement being made, the members representing one County shall not be entitled to take part in the business of the other County.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBSON.

*Wednesday, October 31, 1894.*

Meeting of the Commission held this day.

Present:—Lord Justice FITZGIBSON, Dr. WILSON.

The following letters were read:—

J. E. Magill, as to the Crosskill School, Connor.

The Secretary, Governors of Hugh Henry Boyd's Endowment, applying for an alteration of the Scheme.

Rev. D. Humphreys, as to printing certain documents submitted by him in reference to the Ecclesiastical Endowments.

Rev. D. Humphreys, calling upon the Judicial Commissioners to frame a Scheme for the Ecclesiastical Endowments.

Reply, as drafted, ordered to be sent.

The Final Report of the Commission was considered and amended, and referred to Lord Justice FitzGibson for final settlement.

Letters, as drafted, were ordered to be written to Lord Antrobus and Rev. S. F. Dudley-Jones, as to Glenarm School, and to the Rector of Monaghan and the Methodist Minister stationed at Monaghan, with regard to the Jackson Endowments, Monaghan.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBSON,  
December 12, 1894.

*Wednesday, December 12, 1894.*

Meeting of the Commission held this day at the Office, 25, Nassau Street.

Present:—Lord Justice FITZGIBSON, Judge O'BRIEN, Monsignore MOLLOY, Dr. TRAILL,  
Dr. WILSON.

Minutes of the previous meeting read and signed.

The state of business was considered, and the following rulings were made with regard to the five remaining Schemes which are pending in the Office:—

No. 192.—GLENAHAN SCHOOL.

On reading the "correspondence between the Commissioners and the Earl of Antrim, and the Rev. Mr. Dudley-Jones, and considering the history of the Endowment and the impossibility of framing a Scheme that would deal only with the portion of the School Endowment which is included in the Deed of February 5, 1826, which alone is within the compulsory jurisdiction of the Commissioners, it is not expedient to proceed further with the Draft Scheme.

No. 204.—THE KIRKPATRICK ENDOWMENT, LARNE.

To be completed as already revised, the consents of all necessary parties being obtained; the Scheme to expressly vest Miss Trull's rent-charge in the Town Commissioners.

No. 211.—GWYN'S CHARITABLE INSTITUTION AND THE YOUNG ENDOWMENT.—

AMENDING SCHEME.

The Scheme to be confined to defining the powers of each set of Governors to transact the business relating to their own Endowments, independently of the Joint Governors, in all matters not involving the use of the common seal, and excepting also the election of pupils, pending amalgamation by consent of both Boards.

No. 215.—THE JACKSON ENDOWMENTS, MONAGHAN.

Having regard to the provisions of the Primitive Wesleyan Methodist Society Act, 1871, 34 and 35 Vic., cap. 40, and to the continued existence of the Methodist Institution mentioned in the Founder's will, the Commissioners do not feel justified in altering the provisions of the Chancery Scheme of 1877, under which the Endowment is at present administered. In addition, it is to be considered that the compulsory jurisdiction of the Commission does not extend to the alms-houses and the poor.

It is, therefore, not considered expedient to proceed further with the Scheme.

No. 219.—PAROCHIAL SCHOOLS OF ST. NICHOLAS WITHOUT AND ST. LUKE.

As revised, to be brought up for signature by the Judicial Commissioners.

The Report of the Commission since October 1, 1892, was considered, amended, and finally approved, and ordered to be got ready for signature on Tuesday, December 18, 1894.

The Commissioners adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

\* *Ibidem*, Appendix B, p. 268.

## PART III.

## MINUTES OF THE JUDICIAL COMMISSIONERS.

October 13, 1892.

Meeting of the Judicial Commissioners held this day.  
Minutes of preceding meeting were read and confirmed.

Letters read:—

Mem. Rev. Dr. Healy (Oct. 11), as to inspection under the Scheme for the Maiden Endow-  
ment.

The Secretary, Board of Public Works (Oct. 8), as to Estimates for the year 1893-94.

Replies, as drafted, ordered to be sent.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBBON.

November 2, 1892.

Meeting of the Judicial Commissioners held this day.

A letter was read from Rev. D. Humphry, c.c. (Oct. 23) as to his evidence at the  
Public Sitting in connection with the Kinsmen Smith Endowments, and a reply, as  
drafted, ordered to be sent.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBBON.

November 5, 1892.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Parochial Schools of the Dioceses of Down and Connor and  
Dromore was considered.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBBON.

November 7, 1892.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Parochial Schools of the Dioceses of Down and Connor  
and Dromore was finally considered.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBBON.

November 16, 1892.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended:—  
No. 102. The Parochial Schools of the Diocese of Derry.  
No. 154. The Maiden Endowment.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGIBBON.

November 19, 1892.

Meeting of the Judicial Commissioners held this day.

A letter (Nov. 12) from the Under Secretary, Dublin Castle, as to the Estimates for the year 1893-94 was considered, and a reply, as drafted, was ordered to be sent.

The revised Schemes for the following Endowments were finally considered and signed:—

No. 102.—The Parochial Schools of the Diocese of Derry.

No. 154.—The Madden Endowment.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

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December 3, 1892.

Meeting of the Judicial Commissioners held this day.

A further letter (Nov. 23) from the Under Secretary, Dublin Castle, as to the Estimates for the year 1893-94 was considered, and a reply, as drafted, ordered to be sent.

A letter, as drafted, was also directed to be written to Mr. Mitchell, Architect, as to Roxborough Road School, Limerick.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

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December 10, 1892.

Meeting of the Judicial Commissioners held this day.

A further letter (Dec. 3) from the Under Secretary, Dublin Castle, as to the Estimates for the year 1893-94 was considered, and a reply, as drafted, ordered to be sent.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

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December 17, 1892.

Meeting of the Judicial Commissioners held this day.

The state of various Schemes was considered, and directions were given as to preparing a batch of Schemes for the signature of the Judicial Commissioners.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

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January 14, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

No. 99.—Bangor Endowed School.

No. 104.—The Parochial Schools of the Dioceses of Kilala and Achonry.

No. 117.—The Leigh Charity.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

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January 18, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were further considered and amended:—

No. 99.—Bangor Endowed School.

No. 104.—The Parochial Schools of the Dioceses of Kilala and Achonry.

No. 117.—The Leigh Charity.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

January 21, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

- No. 100.—The Tate School, Wexford.
- No. 106.—John Ivory's School, New Ross.
- No. 116.—The Endowments belonging to the Presbytery of Connacht.
- No. 122.—John Sharp's Endowment, Ballymena.
- No. 129.—The Hon. Michael Ward's Endowment.
- No. 138.—The Belhaven Mill and Culkin Street Schools, Armagh, and Primate Robinson's Loan Fund (Supplementary Scheme).
- No. 139.—The Endowments belonging to the Presbytery of Cork.
- No. 140.—The Coleraine Academical Institution (Supplementary Scheme).

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

January 23, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were finally considered and signed:—

- No. 99.—Bonge Endowed School.
- No. 100.—The Tate School, Wexford.
- No. 104.—The Parochial Schools of the Dioceses of Kilala and Aghone.
- No. 106.—John Ivory's School, New Ross.
- No. 116.—The Presbytery of Connacht.
- No. 122.—John Sharp's Endowment, Ballymena.
- No. 129.—The Hon. Michael Ward's Endowment.
- No. 138.—The Belhaven Mill and Culkin Street Schools, Armagh, and Primate Robinson's Armagh Loan Fund (Supplementary Scheme).
- No. 139.—The Presbytery of Cork.
- No. 140.—The Coleraine Academical Institution (Supplementary Scheme).
- No. 117.—The Leigh Charity.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

January 28, 1893.

Meeting of the Judicial Commissioners held this day.

A letter (Jan. 24) was read from Mr. Drummond Grant as to the Audit of Accounts under the Scheme for the Coleraine Academical Institution.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

February 3, 1893.

Meeting of the Judicial Commissioners held this day.

A letter (Feb. 2) was read from Mr. G. McNamee as to the Ardkeenan Endowment, County Donegal, and a letter, as drafted, was ordered to be written on the subject.

A letter (Feb. 1) was also read from F. M. Steele as to the Strabane Academy Scheme.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

February 4, 1893.

Meeting of the Judicial Commissioners held this day.

Correspondence as to an application for a Scheme on behalf of the North-east Agricultural Association was considered, and a letter, as drafted, ordered to be written to Mr. L'Estrange and Brett on the subject.

A letter (Jan. 28) was read from Mr. N. D. Murphy, Secretary, placing his resignation in the hands of the Judicial Commissioners, on his appointment as Secretary to the Commissioners of Education in Ireland.

A letter, as drafted, was written to the Under Secretary, asking that the Commissioners of Education be requested to permit Mr. Murphy to continue as Secretary to the Educational Endowments Commission, under certain terms.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

February 13, 1893.

Meeting of the Judicial Commissioners held this day.

Directions were given as to preparing a batch of Schemes for signature.

A letter, as drafted, was ordered to be written to the Secretary, Incorporated Society, as to the corrected Schedules of the property of the Society.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

February 15, 1893.

Meeting of the Judicial Commissioners held this day.

A letter (Feb. 10) was read from Moses, McNeill, and Williams as to the Kirkpatrick Endowment, Larne, and a reply, as drafted, ordered to be sent.

The following revised Schemes were considered and amended:—

No. 90.—The Diocesan Schools and Banagher Royal School Endowments (Amended Scheme).

No. 131.—The General Orphan Home Endowments.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

February 16, 1893.

Meeting of the Judicial Commissioners held this day.

Correspondence as to an application for an Amending Scheme for Curris School, Belfast, was considered.

The following revised Schemes were further considered:—

No. 10.—The Diocesan Schools and Banagher Royal School Endowments (Amended Scheme).

No. 131.—The General Orphan Home Endowments.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

March 16, 1893.

Meeting of the Judicial Commissioners held this day.

The question as to the expiry of the powers of the Commission on March 31, was discussed, and arrangements proposed by which the business of the Office should be carried on after that date.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

March 24, 1893.

Meeting of the Judicial Commissioners held this day.

The question of winding-up the business of the Commission after March 31, when the statutory powers of the Commission expire, and of the discharge of the duties of the Assistant Commissioners, Secretary, and Officers was considered, and the following Minute was made:—

¶ On the 31st instant the statutory powers of the Commission expire, and the salaries and appointments hitherto sanctioned by the Treasury come to an end. From that date the only powers which will exist are those relating to the Endowments to be specified by order of the Lord Lieutenant in Council, which will be extended for a limited time to be specified in the order. The discharge of all duties relating to the exercise of these extended powers must be provided for by the Judicial Commissioners in the manner and out of the funds approved and sanctioned by the Treasury.

The Treasury has fixed £1,800 as the maximum sum available for the purposes of the Commission, and has required that after March 31, all remuneration for services in the offices of the Commission, shall be payable only on the certificates of the Judicial Commissioners; that every officer employed has, from month to month, been necessarily and fully occupied. Under the proposal made to the Treasury, with the convenience of the Assistant Commissioners, their duties, so far as necessary for the completion of the business by them, are to be remunerated by monthly payments calculated at the rate of £400 per annum for each Assistant Commissioner, but not extending beyond December 31, 1893.

So long as any Schemes are pending before the Commission, that is to say, have not yet been signed by the Judicial Commissioners, and so long as any Scheme remitted by the Lord Lieutenant in Council shall remain for consideration, the Judicial Commissioners will request the Assistant Commissioners to discharge all the same duties as heretofore, and will be prepared to give the necessary monthly certificates for payment of their remuneration at the above rate. If the business shall not be completely finished before 31st December next, the remuneration of the Assistant Commissioners will exceed £600; in addition to which the Rev. Dr. Wilson will be entitled to receive his travelling expenses and subsistence allowance for attending such meetings in Dublin as may be necessary.

#### *Office Staff.*

From and after the 31st instant, Mr. Frederick Redmond will be authorized to discharge the duties of the Secretary, subject to Mr. N. D. Murphy's continuing to discharge such of the duties of Secretary as he may be permitted by the Commissioners of Education to undertake, or subject to those duties being discharged by any other official whom the Treasury may recognize as the Accounting Officer of the Commission. Mr. Redmond will continue to discharge all the other duties which have hitherto devolved upon him as Chief Clerk. He will receive remuneration from month to month at the rate of £400 per annum, so long as the Judicial Commissioners can certify that he is necessarily occupied as required by the Treasury.

Mr. S. J. Murphy will continue to discharge all his present duties, and to assist in the office business as may be necessary, and will receive remuneration from month to month at the present rate, so long as the Judicial Commissioners shall certify for him in the same manner.

The Judicial Commissioners have informed the Treasury that the services of Mr. Redmond and Mr. S. J. Murphy will be required as above for three months after March 31, but in consequence of Mr. N. D. Murphy's retirement, the Judicial Commissioners will ask that the Treasury shall sanction the extension of this period to July 31, and if necessary that it may be further extended, for one or other, but not for both these officers, until August 31, but the terms and necessity of the last mentioned extension will be considered as the progress of business is ascertained. So long as the present rate of remuneration is allowed, the officers will be required to attend the full office hours, and every exertion must be used to complete all pending Schemes within the limited time, as well as to distribute the papers, and wind up the business of the Commission, as far as possible, before July 31. Unless other arrangements are sanctioned in the meantime, the Judicial Commissioners will submit to the Treasury proposals for the completion of any business then still pending, with the aid of an officer who will not be required to give more time than is absolutely necessary, and who will be remunerated according to the time occupied.

The Office messenger, Charles McMahon, will be retained to discharge all his present duties and to assist in scrivenery, distribution of papers, and other office business, at his present rate of pay, until further order.

The Housekeeper, Mrs. McMahon, will take charge of the offices, and to be paid as hitherto, until possession be given up.

The greatest economy in office expenses will be necessary, and all shorthand writing, all orders for legal inquiries, and other matters involving expense, must receive the previous sanction of the Judicial Commissioners, accounts must be carefully kept in the office from month to month, showing the total amount of expenses incurred up to date, as the Estimate of £1,800 cannot under any circumstances be exceeded, and the Judicial Commissioners anticipate that great care will be necessary in order to keep the expenses within that limit.

Adjourned.

GERALD FITZGIBBON.

WILLIAM O'BRIEN.

Frederick Redmond, Acting Secretary.

March 28, 1893.

Meeting of the Judicial Commissioners held this day.

The usual arrangements were made for closing the Office during the Easter Holidays. The state of Draft Schemes ready to be prepared for the "blue stage" was considered. Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

April 12, 1893.

Meeting of the Judicial Commissioners held this day.

An objection lodged with the Clerk of the Privy Council as to the Leigh Charity Scheme was submitted, and discussed, and directions given thereon.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

April 18, 1893.

Meeting of the Judicial Commissioners held this day.

A Committee of the Commissioners of Education in Ireland, consisting of Monsignor Molloy, Rev. The Provost of Trinity College, Mr. Pigot, Dr. Traill, Professor Deigherty, Rev. Mr. Hamilton, and Mr. Starkie, attended and conferred with the Judicial Commissioners on the question of permitting Mr. N. D. Murphy, Secretary to the Commissioners of Education, to assist in the work of winding up the Educational Endowments Commission.

Adjourned.

Frederick Redmond, Acting Secretary.

GERALD FITZGERALD.

April 22, 1893.

Meeting of the Judicial Commissioners held this day.

The objection lodged with the Clerk of the Privy Council as to the Leigh Charity Scheme was again discussed, and a letter, as drafted, ordered to be written to the Under Secretary, Dublin Castle, on the subject.

Read Letter from the Under Secretary, intimating that the Commissioners of Education had agreed to permit Mr. Murphy to assist in the work of winding up the Commission, under certain terms.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

May 6, 1893.

Meeting of the Judicial Commissioners held this day.

Letters read:—

Rev. Dr. O'Malley, F.R. (April 20), as to the Scheme for the Carysfort Royal School Endowments.

The Secretaries, Charitable Donations and Bequests (April 28), as to the General Orphan Home Endowments.

Rev. D. Humphreys (May 4), as to the Erasmus Smith Evidence.

Replies, as drafted, ordered to be sent.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

May 12, 1893.

Meeting of the Judicial Commissioners held this day.

Letters read:—

Rev. H. F. MacDonagh (May 8), as to the Religious Endowments, Diocese of Raphoe.

Rev. Dr. O'Malley, F.R. (May 9), as to the Scheme for the Carysfort Royal School Endowments.

Replies, as drafted, ordered to be sent.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

May 19, 1893.

Meeting of the Judicial Commissioners held this day.

The usual arrangements for closing the Office during the Whitsun Holidays were made.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

May 20, 1893.

Meeting of the Judicial Commissioners held this day.

Letters read:—

- Rev. W. Johnson (May 22), as to the Amending Scheme for the Union Street Sunday and Daily Schools.  
 Colman Ahern (May 22), as to the St. Leger Athlone Endowment.  
 Rev. J. Nixon (May 16), as to the Amending Scheme for Dublin Presbytery.

Replies, as drafted, ordered to be sent.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

June 3, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

- No. 120.—The Endowments of the Presbytery of Tyrone.  
 No. 132.—The Endowments of the Presbytery of Down.  
 No. 183.—The Endowments of the Presbytery of Derry.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

June 10, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

- No. 171.—Alexandra College and Alexandra School.—Amending Scheme.  
 No. 173.—The Belfast Natural History and Philosophical Society.—Amending Scheme.  
 No. 176.—The Swords Borough School.—Amending Scheme.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

June 16, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were further considered:—

- No. 120.—The Endowments of the Presbytery of Tyrone.  
 No. 132.—The Endowments of the Presbytery of Down.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

June 19, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were finally considered and signed:—

- No. 120.—The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone.  
 No. 132.—The Endowments of and belonging to Congregations under the care of the Presbytery of Down.  
 No. 133.—The Endowments of and belonging to Congregations under the care of the Presbytery of Derry.  
 No. 171.—The Alexandra College and the Alexandra School, Dublin.—Amending Scheme.  
 No. 173.—The Belfast Natural History and Philosophical Society.—Amending Scheme.  
 No. 176.—The Swords Borough School.—Amending Scheme.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

June 26, 1893.

Meeting of the Judicial Commissioners held this day.

The question as to the proposed Public Sitting to hear Objections and Amendments to the Draft Scheme for Cromwell National School was considered, and it was decided that the date already provisionally fixed for the Sitting should be postponed.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

July 1, 1893.

Meeting of the Judicial Commissioners held this day.

A letter was read from the Rev. D. Humphrys, covering a statement as to the Erasmus Smith Endowments.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

July 7, 1893.

Meeting of the Judicial Commissioners held this day.

The Scheme for the Leamy Endowment, Limerick, remitted with a Declaration by the Lord Lieutenant in Council was under consideration.

A letter (July 6) from the Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick, was read on the subject.

It was ordered:—

1. That the Sittings of the Commission shall be adjourned for vacation from August 13th to October 2nd, both days inclusive.
2. That arrangements should be made for the receipt of letters and the formal business of the office during the above period.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

July 8, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

- No. 123.—The Charleville Endowment, Creation Cork, Limerick, and Tipperary.
- No. 175.—The Baltimore Fishtery School.—Amending Scheme.
- No. 181.—Morgan's School, Castletown.—Amending Scheme.
- No. 189.—The Currie School, Belfast.—Amending Scheme.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

July 10, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Pembroke Technical School was considered and amended. Directions as to other Schemes under revision were given.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

July 12, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

- No. 162.—The Ballintoy Parochial School.  
 No. 165.—The St. Leger Adelworth Endowment.  
 No. 177.—The Methodist Female Orphan School.—Amending Scheme.

The following revised Schemes were further considered:—

- No. 123.—The Charleville Endowment, County Cork, Limerick, and Tipperary.  
 No. 175.—The Baltimore Fishery School.—Amending Scheme.  
 No. 181.—Mergan's School, Castlerea.—Amending Scheme.  
 No. 182.—The Currie School, Belfast.—Amending Scheme.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 15, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended:—

- No. 95.—The Leasy Endowment, Limerick.—Amended Scheme.  
 No. 149.—The Penrose Technical School.  
 No. 161.—Rathmines Township Sunday and Daily Schools.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 17, 1893.

Meeting of the Judicial Commissioners held this day.

Letters read:—

- Rev. J. M. Hamilton (July 14), as to the Scheme for the Rathmines Township Sunday and Daily Schools.  
 Sir Thomas P. Neely (July 16), as to the Amending Scheme for the Baltimore Fishery School.

Replies, as drafted, ordered to be sent.

The following revised Schemes were finally considered and signed:—

- No. 123.—The Charleville Endowment, County Cork, Limerick, and Tipperary.  
 No. 149.—The Penrose Technical School.  
 No. 152.—The Ballintoy School, County Antrim.  
 No. 153.—The St. Leger Adelworth Endowment.  
 No. 161.—The Rathmines Township Sunday and Daily Schools.  
 No. 175.—Baltimore Fishery Schools.—Amending Scheme.  
 No. 177.—The Methodist Female Orphan School.—Amending Scheme.  
 No. 181.—Mergan's School.—Amending Scheme.  
 No. 182.—The Currie School, Belfast.—Amending Scheme.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 20, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Leasy Endowment, Limerick, was considered and amended.

The Objections to the following Schemes were considered and observations prepared thereon:—

- No. 88.—The Parochial Schools of the Diocese of Down, Connor and Dromore.  
 No. 90.—The Diocesan Schools and Bangor Royal School Endowments.

Instructions were given as to the next batch of "blue" Schemes to be prepared for the signature of the Judicial Commissioners.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

July 22, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended :—  
 No. 174.—The Parochial Schools of the Diocese of Armagh.—Amending Scheme.  
 No. 193.—The Church of Ireland Training College.—Amending Scheme.  
 No. 194.—The Sullivan Schools, Holywood.—Amending Scheme.  
 No. 201.—The Brown Street Sunday and Daily Schools, Belfast.—Amending Scheme.

The revised Scheme for the Leahy Endowment, Limerick, was further considered and amended and ordered to be printed.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy Secretary.

July 24, 1893.

Meeting of the Judicial Commissioners held this day.

The state of business in the Office was considered, and it was arranged that a series of Meetings should be held between the 1st and 12th of August, to wind up the pending Schemes before the summer vacation.

Letter, as drafted, was ordered to be sent to the Assistant Commissioners setting forth the agenda for these Meetings.

A letter, as drafted, was directed to be sent to the Under Secretary, Dublin Castle, as to the arrangements for carrying on the business of the Office during the summer vacation.

The revised Scheme for the City of Cork Parochial Schools, and Cork, Cloyne, and Ross Parochial Schools—Supplemental Scheme—was considered and amended.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 25, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Sullivan's School, Holywood, was further considered.

Directions were given as to a Meeting to be held on Wednesday, July 26.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 26, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended :—

No. 181.—The Presbytery of Comber.  
 No. 187.—The Robertson Endowments, Diocese of Dromore.—Amending Scheme.

Directions were given as to the Objections at present before the Privy Council with regard to the Schemes for the Parochial Schools of the Dioceses of Down and Connor and Dromore.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 27, 1893

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and amended :—

No. 119.—The Endowments of Presbytery of Cavan.  
 No. 117.—The Leigh Charity.  
 No. 127.—The Parochial Schools of the Diocese of Ossory.  
 No. 183.—The Dublin Protestant Reformatory School.  
 No. 157.—The Endowments of Presbytery of Letterkenny.

Mr T. T. L. Overend attended and had an interview with the Judicial Commissioners as to the Uriel Paul Endowments.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

July 28, 1893.

Meeting of the Judicial Commissioners held this day.

The Amended Scheme for the Lenny Endowment was further considered, and finally agreed to.

The Amending Scheme for the Presbytery of Dublin was considered.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD,

July 31, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were finally considered and signed:—

- No. 15.—The Lenny Endowment.—Amended Scheme.
- No. 117.—The Leigh Charity.
- No. 119.—The Presbytery of Cavan.
- No. 107.—The Parochial Schools of the Diocese of Cloyne.
- No. 137.—The Presbytery of Limerick.
- No. 142.—The City of Cork Parochial Schools, and Cork Cloyne and Ross Parochial Schools.—Amending Scheme.
- No. 153.—The Dublin Protestant Reformatory Schools.
- No. 157.—The Presbytery of Letterkenny.
- No. 174.—The Parochial Schools of the Diocese of Armagh.—Amending Scheme.
- No. 180.—The Presbytery of Dublin.—Amending Scheme.
- No. 187.—The Robertson Endowments and other Endowments in the Diocese of Raphoe.—Amending Scheme.
- No. 193.—The Church of Ireland Training College.—Amending Scheme.
- No. 194.—The Sullivan Schools, Holywood.—Amending Scheme.
- No. 201.—The Brown Street Sunday and Daily Schools, Belfast.—Amending Scheme.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD,

August 11, 1893.

Meeting of the Judicial Commissioners held this day.

The state of business of the Office was considered, and it was decided that it was impossible to dispense with the services of Mr. Frederick Redmond and Mr. Stanislaus Murphy before the 19th instant, but that the office should be closed from that date until October 1, next.

It was ordered that the following Schemes should be revised and prepared for the signature of the Judicial Commissioners on the 21st instant:—

- No. 111.—The Preston Endowment for the Preston School, Navan, the Ballyronan Endowed School, and King's Hospital, Oxmantown.

The Endowments of the following Presbyteries:—

- No. 151.—The Presbytery of Raphoe.
- No. 160.—The Presbytery of Limerick.
- No. 166.—The Presbytery of Templepatrick.
- No. 168.—The Presbytery of Glendalough.
- No. 169.—The Presbytery of Strabane.
- No. 196.—The Presbytery of Down.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD,

August 17, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended:—

- No. 111.—The Preston Endowment for the Preston School, Navan, the Ballyronan Endowed School, and King's Hospital, Oxmantown.
- No. 169.—The Endowments of the Presbytery of Strabane.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD,

August 21, 1893.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were finally considered and signed:—

No. 111.—The Preston Endowment for the Preston School, Navan, the Ballyroan School, and King's Hospital, Cavanstown,

No. 151.—The Endowments of and belonging to Congregations under the care of the Presbytery of Roscommon.

No. 160.—Endowments of and belonging to Congregations under the care of the Presbytery of Limerick.

No. 165.—Endowments of and belonging to Congregations under the care of the Presbytery of Templepatrick.

No. 168.—Endowments of and belonging to Congregations under the care of the Presbytery of Glendalough.

No. 169.—Endowments of and belonging to Congregations under the care of the Presbytery of Strabane.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 1, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended:—

No. 71.—The Strabane Academy.

No. 103.—Midleton Endowed School, Cork.

No. 107.—The Killinelly Schools.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 5, 1893.

Meeting of the Judicial Commissioners held this day.

The circumstances connected with the following Endowments were considered, and letters, as drafted, ordered to be written thereon:—

No. 131.—Kilconogue School and Pastoral Endowment.

No. 145.—Kilkenny Subscription School.

No. 150.—Chetwold's and Stevens' Charity.

The revised Schemes for the following Endowments were considered and amended:—

No. 145.—The Ormonde Endowment, Ballymoney.

No. 146.—The Endowments of the First Presbyterian Church, Londonderry.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 6, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended:—

No. 156.—The Dromod School and Warren Endowment, County Leitrim.

No. 163.—Browne's Apprenticeship Fund, Carlow.

No. 202.—Joseph Browne's Endowments, County Down, Amending Scheme.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 8, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Presbytery of Down (No. 196), was considered and amended.

The revised Schemes for the following Endowments were further considered and amended:—

No. 156.—The Dromod School and Warren Endowment, County Leitrim.

No. 165.—Browne's Apprenticeship Fund, Carlow.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 11, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were finally considered and signed:—

- No. 71.—The Slane Academy.
- No. 105.—Midleton Endowed School, Cork.
- No. 107.—The Killarney Schools.
- No. 145.—The Curragh Endowment, Ballymoney.
- No. 146.—The Endowments of and belonging to Congregations of the First Presbyterian Church, Limerick.
- No. 156.—The Dromod School and Warren Endowment.
- No. 183.—Brown's Apprenticeship Fund, Cork.
- No. 196.—The Endowments of and belonging to Congregations under the care of the Presbytery of Down.
- No. 202.—Joseph Hennion Endowments, County Down, Amending Scheme.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

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September 14, 1893.

Meeting of the Judicial Commissioners held this day.

Circumstances connected with the Schemes for the following Endowments were considered, and letters as drafted ordered to be written thereon:—

- No. 159.—Cobhwick and Neary's Charity, Co. Meath.
- No. 180.—Parsons' Penne Endowment, Co. Galway.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 19, 1893.

Meeting of the Judicial Commissioners held this day.

The question of the Annual Report of the Commission was considered, and a letter, as drafted, directed to be written to the Under-Secretary, Dublin Castle, on the subject.

Letters, as drafted, were also directed to be written to—

- Ber. J. R. Kenan.
- J. G. Stanley, Esq.
- James Lee, Esq.

The Secretary, Armagh Diocesan Board of Education, as to the following Endowments respectively:—

- The Parochial Schools of the Diocese of Meath (Amending Scheme).
- The Parochial Schools of the Diocese of Cork, Clonakilty and Ross (Supplementary Scheme).
- Kilconny School-slipper School.
- The Parochial Schools of the Diocese of Armagh (Amending Scheme).

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 20, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended:—

- No. 150.—The Dragels' Nine School.
- No. 167.—Love's Charity and Gardner's Charity.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 25, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were considered and amended:—  
 No. 159.—Chetwod's and Stearn's Charity, Co. Meath.  
 No. 160.—The Mason Blue School, Waterford.

A letter, as drafted, was directed to be written to Rev. A. Harvey, as to the Cusack Apprenticeship Fund.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 26, 1893.

Meeting of the Judicial Commissioners held this day.

The Scheme for the Munster Dairy School and Agricultural Institute was under consideration, and letters as drafted on the subject were directed to be written to—

The Commissioners of National Education.  
 R. Barter, Esq.

The revised Schemes for the following Endowments were considered and amended:—

No. 110.—The Crofton Endowment, Clandeboher.  
 No. 114.—The Lisnaboo Endowed School, Co. Longford.  
 No. 128.—The Banks Endowment, Eyrecourt.  
 No. 188.—The Cusack Apprenticeship Fund, Athboy.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

September 28, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Sandford Endowment, Castlerea, was considered and amended.

The revised Scheme for the Drogheda Blue School was further considered and amended.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 2, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Schemes for the following Endowments were further considered and signed:—

No. 110.—The Crofton Endowment, Clandeboher.  
 No. 114.—The Lisnaboo Endowed School.  
 No. 128.—The Bank's Endowment, Eyrecourt.  
 No. 130.—The Sandford Endowment, Castlerea.  
 No. 150.—The Drogheda Blue School.  
 No. 152.—Chetwod's and Stearn's Charity.  
 No. 167.—Love's Charity and Gardiner's Charity, Dublin.  
 No. 188.—The Cusack Apprenticeship Fund, Athboy  
 No. 189.—The Mason Blue School, Waterford.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 3, 1893.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Rathmines Township Sunday and Daily Schools, together with the objections thereto, were under consideration, and observations on the same were prepared to be submitted to the Privy Council.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 16, 1893.

Meeting of the Judicial Commissioners held this day.

The Ven. J. G. Scott, D.D., Archdeacon of Dublin, and Rev. J. W. Tristram, M.A., had a conference with the Commissioners as to the Revised Draft Scheme (Nos. 147 and 158) for the Parochial Schools and other Endowments of the Diocese of Dublin, Glendalough, and Kildare.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 18, 1893.

Meeting of the Judicial Commissioners held this day.

The Amending Scheme for St. Peter's Schools and Leeson-street Infant School was under consideration, and was revised.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 25, 1893.

Meeting of the Judicial Commissioners held this day.

The progress of Schemes was considered, and batches were ordered to be prepared for signature on specified dates.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 27, 1893.

Meeting of the Judicial Commissioners held this day.

The state of office business was considered, and it was decided that the services of Mr. Stanislaus Murphy, Clerk to the Commission, could be dispensed with on Saturday, November 4, but that Mr. Redmond, Acting Secretary, should be retained until November 30.

A letter, so drafted, was directed to be written to the Unice Secretary, Dublin Castle, on the subject.

It was resolved:—

That the Commissioners desire to record their satisfaction with the mode in which Mr. Stanislaus Murphy discharged his duties as clerk from the time he entered the service of the Commission to the present time.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

November 2, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to the following Draft Schemes were considered, and the Schemes revised:—

- 135.—Parochial Schools of the Diocese of Tuam.
- 134.—Endowments of the Presbytery of Benbridge.—Amending Scheme.
- 133.—Church of Ireland Training College.—Amending Scheme.
- 208.—St. Peter's Schools, &c.—Amending Scheme.
- 212.—Endowments of the Presbytery of Dromore.—Amending Scheme.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

November 3, 1893.

Meeting of the Judicial Commissioners held this day.

Letters read:—

The Secretaries, Commissioners of National Education (Nov. 1), as to the Scheme for the Munster Dairy School and Agricultural Institute.

Rev. T. Moore, M.D. (Nov. 2), as to the Scheme for the Diocese of Cork, Cloyne, and Ross.

Replies, &c. drafted, ordered to be sent.

It was decided to hold a Conference on Saturday, November 25, at 12 o'clock, at the Office of the Commission, in connection with the Scheme for the Munster Dairy School and Agricultural Institute.

Saturday, December 2, was fixed for a Public Sitting in Glenarm, County Antrim, to consider the objections to the Schemes for the following Endowments:—

No. 192.—Glenarm Presarial School.

No. 193.—The Crotakill National School.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

November 4, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to Scheme No. 161, the Rathmines Township Schools, and Scheme No. 162, the McGowan Endowment, Bangor, were considered, and the Draft Schemes revised.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

November 6, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to Scheme No. 165, the Dungannon School, and to Scheme 179, the Coleraine Presbytery Endowments, were considered, and the Scheme revised.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

November 7, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to Schemes 170, The Edwards Endowment, Castlederg, and 207, The Endowments of the Presbytery of Athlone were considered, and the Scheme revised.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

November 9, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to Scheme 195, the Crilly School and Pettigrew Endowment, and to Scheme 200, the Damer Schools, were considered, and the Schemes revised.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

November 11, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to Scheme 191, the Aranagh Presbytery Endowments, were considered, and the Scheme was revised.

The objections to Scheme No. 204, the Kirkpatrick Endowment, were considered, and it was agreed that if ever there ceased to be a Unitarian Congregation in the Town of Limerick, the Endowments should remain applicable for the benefit of the children of the locality.

Scheme No. 113, for the Uriel Paul Endowment, as revised, was further considered after the termination of a Conference held this day with the present Trustees.

The following attended and conferred with the Commissioners as to the above Scheme:—

T. T. L. O'Farrell, Solicitor, for the Trustees.  
 Joseph W. Dean.  
 Mr. F. Le Hunt.  
 Joseph E. Dunn Druke.  
 Mrs. Dunn Druke.

And was further revised.

The following Schemes framed by the Judicial Commissioners were duly signed by both of them:—

- No. 135.—The Parochial Schools of the Diocese of Tuam.
- No. 151.—The Rathdrum Township Schools.
- No. 142.—The McGowan Endowment, Baogur.
- No. 195.—The Killigrew Endowment, Cilligry.
- No. 170.—The Edwards Endowment, Cathalberg.
- No. 179.—The Jonegal Presbyterian Endowments.
- No. 184.—The Banbridge Presbyterian Endowments—Amending Scheme.
- No. 190.—The Strabane Lodge Schools.
- No. 103.—The Church of Ireland Training College—Amending Scheme remitted.
- No. 165.—The Dungannon School.
- No. 200.—The Dame Schools.
- No. 207.—The Athlone Presbyterian Endowments.
- No. 208.—St. Peter's Schools, and Lesser Street School—Amending Scheme.
- No. 213.—The Dromore Presbyterian Endowments—Amending Scheme.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

November 23, 1893.

Meeting of the Judicial Commissioners held this day.

Scheme No. 113, the Urith Fual Endowment, was further revised.

The objections to Scheme No. 197, the Irish Clergy Daughters School, were considered, and the Scheme revised.

The objections lodged with the Privy Council to Scheme No. 111, for the Preston Endowment, Ballyronan, which had been sent down to the Commissioners for their observations, were considered, and the observations of the Judicial Commissioners thereon were prepared.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

November 24, 1893.

Meeting of the Judicial Commissioners held this day.

The following Scheme framed by the Judicial Commissioners was signed by both of them:—

- No. 113.—The Urith Fual Endowment.

Scheme No. 205, the Cahragh School and McCleight Endowment, was further considered, together with the objections thereto.

The observations on the objections to Scheme No. 111 were considered.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

November 25, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to the following Schemes were considered, and the Schemes revised:—

- No. 172.—The Colcino Presbyterian Endowments.
- No. 175.—The Quaigh Presbyterian Endowments.
- No. 184.—The Rathfriland Presbyterian Endowments.
- No. 204.—The North East Agricultural Association.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

November 26, 1893.

Meeting of the Judicial Commissioners held this day.

The objections to the following Schemes were considered, and the Schemes revised:—  
No. 191.—The Armagh Presbytery Endowments.  
No. 190.—The Belfast Presbytery Endowments.

The Observations on the Objections to Scheme No. 111 were finally considered, passed, and signed.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

November 30, 1893.

Meeting of the Judicial Commissioners held this day.

The state of business was considered, with a view to the further reduction of office staff, and a letter to the Under Secretary, as drafted, was ordered to be sent—Mr. Redmond to be continued in the service of the Commission until December 22; the office cleaner to be given up on December 30; the office messenger to be then discharged, but the messenger to be retained until March 31, 1894.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

December 2, 1893.

Meeting of the Judicial Commissioners held this day.

The following Schemes framed by the Judicial Commissioners were duly signed:—

- Scheme No. 172.—The Coleraine Presbytery Endowments.
- Scheme No. 178.—The Omagh Presbytery Endowments.
- Scheme No. 184.—The Rathfriland Presbytery Endowments.
- Scheme No. 191.—The Armagh Presbytery Endowments.
- Scheme No. 192.—The Belfast Presbytery Endowments.
- Scheme No. 197.—The Irish Clergy Daughters' School.
- Scheme No. 206.—The North East Agricultural Association.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

December 6, 1893.

Meeting of the Judicial Commissioners held this day.

The following office arrangements were made:—

Meetings of the Full Commission to be held on Saturdays only; Special Meeting on December 21; Stated Attendances on Wednesdays and Fridays at usual hours.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

December 16, 1893.

Meeting of the Judicial Commissioners held this day.

On reading the letter of the Clerk of the Privy Council, dated August 24, 1893, remitting Scheme No. 90, with a declaration that the Commissioners proceed to take further evidence of the value of the Roxboro' Road School Premises—

Letters, as drafted, were ordered to be written:—

To the Under Secretary, asking that authority be given to the Commissioners of Valuation to have the valuation made.

To the Commissioners of Valuation, as to the circumstances of the School premises.

To the Rev. Canon Gregg, to the Limerick Lunatic Asylum Board, and to the Limerick Town Council, inviting valuations on behalf of each, respectively.

To the Board of Control, &c., of Lunatic Asylums, inviting the Board to express their opinion on the proposal of the Limerick Lunatic Asylum Board to give £1,000 for the premises in question.

A letter, as drafted, was directed to be written to the Clerk of the Privy Council with regard to the objection of the Congregation of Ballindroit to the Scheme for the Rathoe Presbytery (No. 151).

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

January 3, 1894.

Meeting of the Judicial Commissioners held this day.

The following Schemes were revised, after consideration of the Objections thereto :—

209.—The Parochial Schools of the Diocese of Meath and the Arkleean Endowment—  
Ancoole Schools.

210.—The Incorporated Society for Promoting Protestant Schools in Ireland.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

January 11, 1894.

A stated attendance of the Judicial Commissioners was held this day.

Present — Lord Justice FITZGIBSON

The following letters were read :—

The Clerk, Belfast Presbytery, as to including another School in the Schedule to Scheme  
199.Rev. C. W. Humber and others as to certain of the Schools included in the Coleraine  
Presbytery Scheme, No. 172.

Replies, as drafted, ordered to be sent.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

January 15, 1894.

Meeting of the Judicial Commissioners held this day.

Scheme No. 147 for the Parochial Schools of the Dioceses of Dublin, Glendalough, and  
Kildare was revised on the lines agreed to at the Public Sitting in December 26, 1893.  
Scheme No. 210 for the Incorporated Society was further revised.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

January 17, 1894.

Meeting of Judicial Commissioners held this day.

Scheme No. 90 for the Diocesan Schools and the Banagher Royal School Endowments  
which was remitted to the Commissioners with a Declaration, and the valuations of the  
Ballymore Road School, which had been obtained in pursuance of the above Declaration,  
were considered, and it was agreed that the Scheme should be re-submitted without  
alteration, with an explanatory letter attached thereto.

The letter in question was prepared.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

January 24, 1894.

Meeting of the Judicial Commissioners held this day.

The letter to accompany Scheme No. 90 was further considered, amended, and  
approved.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

January 29, 1894.

Meeting of the Judicial Commissioners held this day.

Scheme No. 90, to be submitted to His Excellency in Council, was signed without any  
alteration in pursuance of the Declaration of the Lord Lieutenant, together with a letter  
to accompany the same.

Adjourned.

GERALD FITZGIBSON,

N. D. Murphy, Secretary.

February 2, 1894.

Meeting of the Judicial Commissioners held this day.

The Observations of the Judicial Commissioners on the Objections which had been lodged with the Clerk of the Privy Council against Scheme No. 196, for the Endowments of the Down Presbytery, were prepared.

The following Schemes were duly signed by the Judicial Commissioners :—

- No. 147.—The Parochial Schools of the Diocese of Dublin, Glendalough, and Kildare.
- No. 209.—The Parochial Schools of the Diocese of Meath, and the Arkozen Endowment—Amending Scheme.
- No. 210.—The Incorporated Society for Promoting Protestant Schools in Ireland.
- No. 213.—The Endowments of the Derry Presbytery—Amending Scheme.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

February 10, 1894.

Meeting of the Judicial Commissioners.

The Observations on the Objections, lodged with the Clerk of the Privy Council, against Scheme No. 107 for the Killinchy School, were prepared.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

February 17, 1894.

Meeting of the Judicial Commissioners.

The Observations in the Objections to Schemes No. 107 and 196 were passed, and agreed to.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

March 21, 1894.

Meeting of the Judicial Commissioners.

Scheme No. 111 for the Preston Endowment, Ballyroan, which had been remitted by the Lord Lieutenant with a declaration, was revised.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

April 2, 1894.

Meeting of the Judicial Commissioners.

Observations were prepared on the Objections, lodged with the Clerk of the Privy Council, against Scheme No. 190 for the Stratford Lodge Schools.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

April 24, 1894.

Meeting of the Judicial Commissioners.

Objections, lodged with the Clerk of the Privy Council, to the Schedule to Scheme No. 210 for the Incorporated Society, were considered, and it was agreed that permission should be asked of the Under Secretary to have certain amendments carried out without the Scheme being remitted.

Scheme No. 75, for the Parochial Schools of the Diocese of Limerick, was revised.

Adjourned.

GERALD FITZGIBSON.

N. D. Murphy, Secretary.

April 16, 1894.

Meeting of the Judicial Commissioners.

The following Schemes were duly signed:—

No. 70.—Parochial Schools of the Diocese of Limerick.

No. 111.—The Preston Endowment, for the Preston School, Navan, Ballyroan School, and the King's Hospital, Omagh.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

June 23, 1894.

Meeting of the Judicial Commissioners held this day.

Special notice was ordered to be sent out for meetings of the Full Commission for Wednesday, August 1, and the following days, to transact the following business—

I. To dispose of the following Schemes:—

125.—The Clonakilty Charity.

131.—The Kilmore School.

143.—Viscount Limerick Endowment, Dundalk.

144.—The Ernest Smith Endowment.

148.—Kilkenny Subscription School.

163.—Carrikshane Grammar School.

180.—Parsons' Perse's Charity.

192.—Glanam School.

198.—Cronkhill School.

203.—Tullynavy School.

204.—Kirkpatrick Endowment, Larne.

211.—Gwyn and Young Endowments—Amending Scheme.

214.—The Parochial Schools of Down and Connor, and Downmore—Amending Scheme.

215.—The Justiss Endowments, Meath.

216.—The Endowments of the Presbytery of Raphoe—Amending Scheme.

217.—The Parochial Schools of the Diocese of Cork, Cloyne, and Ross—Further Amending Scheme.

218.—The Clonmel Parochial Endowments.

II. To consider whether it is necessary to publish an Amending Scheme for the Caryfort Royal School Endowment.

III. To prepare the Final Report of the Commission.

Read application of Messrs. Robinson, Solicitors, on behalf of the Trustees of St. Nicholas Without and St. Luke's Parochial Schools, that a Draft Scheme might be prepared for these Endowments.

It was agreed that a Scheme should be published.

The following letters were read:—

Captain M. J. C. Dennis as to the excessive estimate of Board of Works for the Stratford Lodge School.

Aaron Hinstin, Secretary, Cloyne School Committee, as to including this School in the Scheme for the Endowments of the Collooney Presbytery.

Replies as drafted ordered to be sent.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

August 1, 1894.

Meeting of the Judicial Commissioners held this day.

Present: Lord Justice FITZGERALD.

The Amended Scheme for the Stratford Lodge Schools, No. 190, was duly signed.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

August 3, 1894.

Meeting of the Judicial Commissioners held this day.

Scheme No. 217 and the objections thereto were considered, and the Scheme revised.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

August 4, 1894.

Meeting of Judicial Commissioners held this day.

The following Schemes and the Objections thereto were considered, and the Schemes revised:—

- No. 143.—The Viscount Limerick Endowment, Dundalk.
- No. 163.—The Viscount Weymouth Grammar School, Carrickmacross.
- No. 214.—The Parochial Schools of the Dioceses of Down and Connor and Dromore.—Amending Scheme.
- No. 216.—The Rathoe Presbytery Endowments.—Amending Scheme.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

August 6, 1894.

Meeting of the Judicial Commissioners held this day.

The following Schemes were revised, on the consideration of the objections thereto:—

- No. 148.—Kilkenny Subscription School.
- No. 180.—Parsons' Parson's Endowment.
- No. 198.—The Cronkhill School, Connor.
- No. 204.—The Kirkpatrick Endowment, Larne.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

August 7, 1894.

Meeting of the Judicial Commissioners held this day.

The following Schemes were revised:—

- No. 203.—The Tullycreevy School and the Allen Endowment, Gray Abbey.
- No. 218.—The Clooneel Parochial Endowments.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

August 8, 1894.

Stated Attendance of the Judicial Commissioners held this day.

Present: Lord Justice FITZGIBBON.

The following Schemes which had been revised by the Judicial Commissioners were further advanced, and directions given with a view to the completion and signing of the same on the 20th inst.:—

- No. 143.—The Viscount Limerick Endowment, Dundalk.
- No. 148.—The Kilkenny Subscription School.
- No. 163.—The Viscount Weymouth Grammar School, Carrickmacross.
- No. 180.—Parsons' Parson's Charity.
- No. 198.—The Cronkhill School, Connor.
- No. 214.—The Parochial Schools of Down and Connor and Dromore.—Amending Scheme.
- No. 216.—The Endowments of the Rathoe Presbytery.—Amending Scheme.
- No. 217.—The Parochial Schools of the Dioceses of Cork, Cloyne, and Ross.—Amending Scheme.

Letters, as drafted, were ordered to be sent as directed, in the case of the following Schemes, which are under revision:—

- No. 172.—Coleraine Presbytery Endowments.—Rev. C. W. Hunter, enclosing letter from Aaron Huston as to Clady School.
- No. 203.—Tullycreevy School.—James Morris, Solicitor, with proof of revised Scheme.
- No. 204.—Kirkpatrick Endowment, Larne.—M'Neill and Williams, Solicitors, with proof of revised Scheme.
- No. 212.—Clooneel Parochial Endowments.—J. Clancy, Town Clerk, as to the nature of the Ladyman Endowment.

Adjourned.

GERALD FITZGIBBON.

N. D. Murphy, Secretary.

August 13, 1894.

Meeting of the Judicial Commissioners held this day.

Draft Scheme, No. 131, for the Kilmacogue School, and the Objections thereto were considered, and the Scheme was revised.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

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August 20, 1894.

Meeting of the Judicial Commissioners held this day.

The following revised Schemes were considered and passed by the Judicial Commissioners, and were duly signed:—

- No. 143.—The Viscount Limerick Endowment, Dundalk.
- No. 148.—Kilkenny Subscription School.
- No. 151.—Viscount Weymouth's Grammar School, Carrickmacross.
- No. 180.—Persons' Perpetual Endowment.
- No. 198.—Craughill School, Cavan.
- No. 214.—Parochial Schools of the Diocese of Down and Connor and Dromore.—Amending Scheme.
- No. 215.—Hughes' Presbytery Endowment.—Amending Scheme.
- No. 217.—Parochial Schools of the Dioceses of Cork, Cloyne, and Ross.—Further Amending Scheme.
- No. 218.—Chancery Parochial Endowments.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

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August 30, 1894.

Stated attendance of the Judicial Commissioners this day.

A further letter, as drafted, was directed to be sent to Messrs. McNeill and Williams as to the Kirkpatrick Endowment, Scheme No. 204.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

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September 3, 1894.

Meeting of the Judicial Commissioners held this day.

The revised Scheme for the Kilmacogue School was considered and amended.

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

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September 17, 1894.

Meeting of the Judicial Commissioners.

The revised Scheme for the Kilmacogue School was considered and passed, and duly signed by the Judicial Commissioners,

Adjourned.

GERALD FITZGERALD.

N. D. Murphy, Secretary.

October 2, 1894

Stated attendance of Judicial Commissioners held this day.

Present :—Lord Justice FITZGERALD.

A notice of the Public Sitting to be held with regard to the Erasmus Smith's Endowments on October 22, was prepared, and ordered to be submitted to Judge O'Brien for his approval, and to be sent out to all parties interested.

Letters, as drafted, were ordered to be written to James Moran, as to Scheme No. 203, for Tullycavvy School, and to W. J. Biggar, Esq., as to Gorinney School, included in the Scheme for the Endowments of Glendermot Presbytery.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

October 11, 1894.

Meeting of the Judicial Commissioners held this day.

Mr. C. Ryan was appointed Shorthand writer for the Public Sitting to be held on the 22nd inst.

Scheme No. 125, for the Charlton Endowment, was revised on the lines agreed to by the Full Commission on August 2, 1894.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

October 22, 1894.

Meeting of the Judicial Commissioners held this day.

Scheme No. 125, for the Charlton Charity, was duly signed.

Scheme No. 203, for the Tullycavvy School, was finally revised and ordered to be brought up for signature on the 29th inst.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

October 29, 1894.

Meeting of the Judicial Commissioners held this day.

Scheme No. 203, for the Tullycavvy School and the Allen Endowment, was duly signed.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

December 18, 1894.

Meeting of the Judicial Commissioners held this day.

The following Schemes, which had been revised after consideration of the Objections thereto, were considered, approved, and signed by the Judicial Commissioners :—

No. 104.—The Kirkpatrick Endowments, Limerick.  
No. 211.—Gwyn's Charitable Institution and the Young Endowment—Amending Scheme.  
No. 219.—Parochial Schools of St. Nicholas Without and St. Luke, Dublin.

Adjourned.

N. D. Murphy, Secretary.

GERALD FITZGERALD.

## PART IV.

## MINUTES OF THE ASSISTANT COMMISSIONERS.

October 6, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from the Rev. R. Wallace, asking for a Scheme for the Presbytery of Templepatrick. A reply, as drafted, was ordered to be sent, and it was agreed that a Scheme for the Templepatrick Presbytery should be added to the list for publication in November.

The plan to be submitted to the Lord Lieutenant, for the Inspection of Schools sharing in Endowments dealt with under Schemes framed by the Commission, was further considered.

Adjourned.

ANTHONY TRAILL.

October 17, 1892.

Fredk. Redmond, Assistant Secretary.

October 17, 1892.

Meeting of the Assistant Commissioners held this day at the Offices, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The present condition of the Draft Schemes fixed for publication in November was considered.

— The Assistant Secretary was directed to prepare a list of all possible Endowments which might be dealt with under Schemes framed by the Commissioners.

Adjourned.

GERALD MOLLOY,

October 26, 1892.

Fredk. Redmond, Assistant Secretary.

October 26, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting were read and confirmed.

The Assistant Secretary submitted two lists of Endowments :—

- (1.) A list of Endowments for which it is probable Schemes will be required ; and
- (2.) A list of Endowments for which it is possible Schemes may be required.

These lists were considered by the Assistant Commissioners, and certain directions relating thereto were given.

Adjourned.

H. B. WILSON,

November 2, 1892.

Fredk. Redmond, Assistant Secretary.

*November 2, 1892.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter, as drafted, was ordered to be sent to the Rev. Robert Wallace, of Templepatrick, in regard to the Schedule of the Scheme for Templepatrick Presbytery.

The Heads of a Scheme for Chetwode's and Stearne's Charity were submitted by Dr. Traill, considered and approved.

Adjourned.

ANTHONY TRAILL,

November 9, 1892.

Fredk. Redmond, Assistant Secretary.

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*November 9, 1892.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Messrs. Crawford and Lockhart, Solicitors, in relation to the McGowan Endowment, County Down, and it was ordered that further search should be made for the Will of John McGowan, the founder of the Endowment.

Adjourned.

H. B. WILSON,

November 12, 1892.

Fredk. Redmond, Assistant Secretary.

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*November 12, 1892.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The circumstances of the McGillicuddy Bequest, which is payable to the Teacher of Ballinvoy National School, County Antrim, were considered, and it was agreed to report to the Full Commission that the Assistant Commissioners do not consider it necessary to draft a Scheme for the future management of the Endowment, as the object of the Founder is sufficiently carried out by the present application of the Bequest.

Adjourned.

ANTHONY TRAILL,

November 16, 1892.

Fredk. Redmond, Assistant Secretary.

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*November 18, 1892.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Scheme for Chetwode's and Stearne's Charity was considered, amended, and finally passed.

Adjourned.

GERALD MOLLOY,

November 18, 1892.

Fredk. Redmond, Assistant Secretary.

November 18, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the McGowan Endowment was considered and amended.

Adjourned.

H. B. WILSON,

November 23, 1892.

Fredk. Redmond, Assistant Secretary.

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November 23, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Samuel Cunningham, of the North East Agricultural Association, in relation to the framing of a Scheme for that Association.

A reply, as drafted, was ordered to be sent.

A Public Sitting of the Commission to inquire into the Kilmacogue Endowment, County Kildare, was provisionally arranged, to be held at Kilmacogue on Saturday, December 10, instant.

The Draft Scheme for the Rathmines Township Sunday and Daily Schools was considered, amended, and passed.

Adjourned.

ANTHONY TRAILL,

November 25, 1892.

Fredk. Redmond, Assistant Secretary.

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November 25, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The case of the Drumcondra Institution was under consideration, and Dr. Traill undertook to bring up a report to the Full Commission, with a view to their arriving at a decision as to whether a Draft Scheme ought to be proceeded with or not.

Adjourned.

H. B. WILSON,

November 30, 1892.

Fredk. Redmond, Assistant Secretary.

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November 26, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

A letter was read from the Rev. J. F. Cole, as to the Endowment connected with the Portarlington Free School.

Dr. Traill submitted the heads of a Draft Scheme for the future management of the Endowment, which were discussed and agreed to.

The names of the first Governors representing the Subscribers to the Rathmines Sunday and Daily Schools were submitted and agreed to.

Adjourned.

H. B. WILSON,

November 30, 1892.

Fredk. Redmond, Assistant Secretary.

November 30, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

The subject of the Estimates for the Commission for the year 1893–1894 was discussed, and a memorandum thereon was drafted to be submitted to the Full Commission.

Adjourned.

ANTHONY TRAILL,

December 2, 1892.

Fredk. Redmond, Assistant Secretary.

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December 2, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the Rathmines Township Sunday and Daily Schools was considered, amended, and passed.

Monday, December 19, was provisionally fixed as the date of publication of the next batch of Schemes.

Adjourned.

H. B. WILSON,

December 7, 1892.

Fredk. Redmond, Assistant Secretary.

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December 7, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The revised Draft Scheme for the McGowan Endowment, County Down, was considered and passed.

A Report on the application for a Supplemental Scheme for the Alexandra College and Alexandra School was submitted by Monsignor Molloy, and it was agreed that it would be desirable to ask Dean Dickeson and Mr. W. G. Brooks, as representatives of the College Council, to meet the Full Commission on Saturday, the 16th instant, at 12 o'clock, at the Office of the Commission.

Adjourned.

GERALD MOLLOY,

December 9, 1892.

Fredk. Redmond, Assistant Secretary.

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December 9, 1892.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for Portarlington Free School was considered, amended, and passed.

Adjourned.

ANTHONY TRAILL,

December 14, 1892.

Fredk. Redmond, Assistant Secretary.

*December 14, 1892.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for Carrickmacross Endowed School was considered, amended, and passed.

Adjourned.

Frank Redmond, Assistant Secretary.

*January 11, 1893.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Dr. WILSON.

The suggestions made at the Public Sitting held on Tuesday, January 10, in relation to the Draft Scheme for the United Dioceses of Dublin, Glendalough, and Kildare (Scheme No. 147), and "The Parochial Schools of the City of Dublin" (Scheme No. 158) were discussed, and directions were given for drafting a Revised Scheme.

The Heads of a Scheme for Edwards' School, Cawdorberg, were submitted and considered.

Adjourned.

H. R. WILSON,

*January 14, 1893.*

Frank Redmond, Assistant Secretary.

*January 14, 1893.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Surgeon W. L. Wheeler attended and conferred with the Assistant Commissioners in relation to the Draft Scheme for "The Kilnasaggart School and Permanent Endowment" (Scheme No. 131).

The changes in the Draft Scheme for John Sharp's Endowment, Ballyenello (Scheme No. 122), already agreed to, were directed to be carried out, and it was ordered that the Scheme should be printed in the revised form and submitted for signature to the Judicial Commissioners.

The Heads of a Scheme for the Edwards' School, Cawdorberg, were further considered and agreed to.

Adjourned.

ANTHONY TRAILL,

*January 18, 1893.*

Frank Redmond, Assistant Secretary.

*January 18, 1893.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Certain suggestions as to the amendment of the Draft Scheme for Chatwode's and Stearne's Charity (Scheme No. 150), which had been lodged in the office by Archdeacon Nugent, were considered, and it was agreed to submit certain recommendations thereon for the consideration of the Judicial Commissioners.

Adjourned.

H. R. WILSON,

*January 20, 1893.*

Frank Redmond, Assistant Secretary.

January 20, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

Certain extracts from the Minutes of the Gwyn Governors, the Young Governors, and the Gwyn and Young Governors, relating to the questions at issue between the Governors, were considered, and referred, with a Report thereon, for the consideration of the Full Commission.

Adjourned.

ANTHONY TRAILL,

January 25, 1893.

Fredk. Redmond, Assistant Secretary.

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January 25, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present — Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for Edwards' School, Castlereagh, was considered, amended, and passed.

A Draft Amending Scheme for Alexandra College and Alexandra School, Dublin, was brought up for consideration by Monsignor Molloy, passed and ordered to be printed.

Adjourned.

GERALD MOLLOY,

January 27, 1893.

Fredk. Redmond, Assistant Secretary.

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January 27, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present — Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Schemes for the Presbyteries of Glendalough and Strabane were considered and passed.

Reports on the following Endowments were brought up by the Assistant Secretary and considered by the Commissioners —

- (1.) Chapellier's Marriage Portions, Kilberry.
- (2.) Quinn's Charity, Trim and Waterford.
- (3.) Robert Browne's Apprenticeship Fund, Carlow.

With regard to Chapellier's Marriage Portions, it was decided to refer the matter to the Full Commission, Dr. Traill being of opinion that it is desirable to frame a Scheme for the Endowment, and a letter, as drafted, was directed to be sent to the Lord Bishop of Ossory, asking for information as to the application of the Endowment.

In the case of Quinn's Charity, it was agreed to report to the Full Commission that, in the opinion of the Assistant Commissioners, no Scheme is required for the Endowment.

Browne's Apprenticeship Fund, Carlow — In this case it was decided to report on the facts that, in the opinion of the Assistant Commissioners, a Scheme for the future management of the Endowment is required, and the Assistant Secretary was directed to write, in terms as drafted, to the present Trustees of the Endowment.

Adjourned.

H. B. Wilson,

February 3, 1893.

Fredk. Redmond, Assistant Secretary.

February 1, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The Draft Scheme for Alexandra College and Alexandra School, Dublin (Amending Scheme), was considered and passed.

The Will of Sir Richard Lovings, by which the Lovings Charity was founded, was brought up by the Assistant Secretary, considered, and reserved for further consideration by the Full Commission.

The Will of Viscount Netherville, under which the Dowth Almshouse, County Meath, was established, was brought up by the Assistant Secretary, and directions were given for further inquiries as to the person who receives the Endowment, and the manner in which it is administered.

Adjourned.

H. B. WILSON,

February 3, 1893.

Frdk. Redmond, Assistant Secretary.

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February 3, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

A letter was read from the North East Agricultural Association asking for a Scheme for that Association, and submitting the Heads of the proposed Scheme.

After full consideration it was agreed to reserve for the Full Commission the decision of the question whether or not a Scheme should be prepared on the lines suggested.

A letter was read from Rev. J. McLarion, M.A., asking for a Scheme for Calragh School, Mullabreck, and it was provisionally settled that a Public Inquiry should be held at Mullabreck, to take evidence as to the condition of the School, towards the end of March.

Adjourned.

ANTHONY TRAILL,

February 9, 1893.

Frdk. Redmond, Assistant Secretary.

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February 9, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Amending Scheme for Swords Borough Schools was submitted by Dr. Molloy, read, and ordered to be printed.

Adjourned.

H. B. WILSON,

February 10, 1893.

Frdk. Redmond, Assistant Secretary.

February 10, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Amending Scheme for Belfast Natural History and Philosophical Society (Scheme No. 118), was considered and passed.

It was agreed that the following batch of Schemes should be published on February 28:—

Original Schemes:—

Parsons Perse's Endowment, County Galway.  
The Presbytery of Omagh.  
The Presbytery of Donegal.

Amending Schemes:—

Swords Borough Schools (Scheme No. 1).  
Baltimore Fishery School (Scheme No. 48).  
Belfast Natural History and Philosophical Society (Scheme No. 118).  
The Parochial Schools of the Diocese of Armagh (Scheme No. 85).  
The Parochial Schools of the Diocese of Meath (Scheme No. 55).  
The Methodist Female Orphan School (Scheme No. 4).

Adjourned.

GERALD MOLLOY,

February 15, 1893.

Fredk. Redmond, Assistant Secretary.

February 13, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for Parsons Perse's Endowment, County Galway, was considered and passed, subject to some questions reserved for the Full Commission.

A letter, as drafted, was ordered to be sent to Messrs. Armstrong and Mahon, the present Agents of the Perse Estates in County Galway, asking for certain information in regard to those Estates.

Adjourned.

ANTHONY TRAILL,

February 17, 1893.

Fredk. Redmond, Assistant Secretary.

February 17, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The following Draft Amending Schemes were considered and passed:—

Baltimore Fishery School.  
The Parochial Schools of the Diocese of Armagh.  
Swords Borough Schools.

The Draft Amending Scheme for the Methodist Female Orphan School was considered, amended, and a letter, as drafted, relating thereto, was ordered to be sent to the Rev. Wallace McMullen.

Adjourned.

GERALD MOLLOY.

February 22, 1893.

Fredk. Redmond, Assistant Secretary

February 22, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the Presbytery of Donegal was considered and passed.

The Assistant Secretary presented a report on the Lake Barne Endowment, Templeboy, County Sligo, and it was agreed, on the facts disclosed therein, that the Endowment is exempt from the compulsory powers of the Commission, and a letter to that effect was drafted and ordered to be sent to the Rev. John Melvin, Parish Priest of Templeboy.

Adjourned.

H. B. WILSON,

February 24, 1893.

Fredk. Redmond, Assistant Secretary.

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February 24, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The present condition of the Draft Schemes to be published on February 23 was considered.

The Draft Schemes for Omagh Presbytery and for Parsons' Perse's Endowment, County Galway, were considered and passed.

Letters from the Rev. George McCleughan, St. Peter's, Athlone, relative to the Ardkeen Endowment, were considered, and it was agreed to report to the Full Commission that, in the opinion of the Assistant Commissioners, the Ardkeen Endowment should, if possible, be dealt with in the Amending Scheme for the Diocese of Meath.

Adjourned.

ANTHONY TRAILL,

March 4, 1893.

Fredk. Redmond, Assistant Secretary.

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March 2, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

The Draft of a Scheme for Brown's Apprenticeship Fund, County Carlow, was submitted by Dr. Traill, considered, and ordered to be printed.

Adjourned.

ANTHONY TRAILL,

March 4, 1893.

Fredk. Redmond, Assistant Secretary.

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March 4, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of two preceding meetings were read and confirmed.

The Draft Scheme for The Mason Blue School, Waterford, was considered, amended, and passed, subject to a question reserved for the consideration of the Full Commission.

The Draft Amending Scheme for the Currie School, Belfast, was considered and passed.

Adjourned.

H. B. WILSON,

March, 9, 1893.

Fredk. Redmond, Assistant Secretary.

March 9, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Rev. James G. Fitzgerald, Incumbent of Connor, in regard to Cawkill School, and the Heads of a Draft Scheme for the School were discussed and agreed to.

The Draft Scheme for Stratford Lodge Schools, Baltinglass, was considered, amended, and passed.

Adjourned.

ANTHONY TRAILL,

March 11, 1893.

Fredk. Redmond, Assistant Secretary.

March 11, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Amending Scheme for Morgan's School, Castleknock, was considered and passed.

The Draft Scheme for Browne's Apprenticeship Fund, Carlow, was considered and passed.

Adjourned.

GERALD MOLLOY,

March 15, 1893.

Fredk. Redmond, Assistant Secretary.

March 14, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The following Draft Schemes were considered and passed:—

The Presbytery of Armagh.

The Presbytery of Delvin (Amending Scheme).

The Presbytery of Banbridge (Amending Scheme).

The Draft Scheme for The Cusack Apprenticeship Fund, Athboy, was considered and passed, subject to revision by Dr. Traill.

Adjourned.

ANTHONY TRAILL,

March 16, 1893.

Fredk. Redmond, Assistant Secretary.

March 16, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting were read and confirmed.

An application for an Amending Scheme for Sullivan's Schools, Holywood, was considered, and it was agreed that an Amending Scheme should be prepared.

The Draft Scheme for Rathfriland Presbytery, and the Draft Amending Scheme for the Robertson Endowments, were considered and passed.

Adjourned.

GERALD MOLLOY,

March 24, 1893.

Fredk. Redmond, Assistant Secretary.

March 24, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A question in connection with the drafting of the Scheme for Croomkil School was considered, and reserved for decision by the Full Commission.

Adjourned.

H. B. WILSON,

April 5, 1893.

Fredk. Redmond, Assistant Secretary.

March 25, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Dr. WILSON.

The Draft Scheme for Glensavin Parochial School was considered, amended, and passed.  
Adjourned.

H. B. WILSON,

April 5, 1893.

Fredk. Redmond, Assistant Secretary.

April 5, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

The Draft Scheme for Belfast Presbytery was considered and passed, subject to revision by Dr. Wilson.

Adjourned.

GERALD MOLLOY,

April 12, 1893.

Fredk. Redmond, Acting Secretary.

April 12, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for Croomkil National School was considered, amended, and passed.

The case of Cabragh School, Mullabreck, was considered, and a letter, as drafted, was directed to be sent to the Rev. J. H. McLeurin, LL.D., Rector of Mullabreck.

Adjourned.

H. B. WILSON,

April 14, 1893.

Fredk. Redmond, Acting Secretary.

April 14, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the Presbytery of Down was considered and passed.

Adjourned.

GERALD MOLLOY,

April 21, 1893.

Fredk. Redmond, Acting Secretary.

April 21, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The present condition of the Draft Schemes listed for publication on April 22 was considered.

Adjourned.

H. B. WILSON,

Fredk. Redmond, Acting Secretary.

April 26, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the Damer Male and Female Schools, St. Stephen's Green, Dublin, was considered, amended, and passed.

The Draft Scheme for the School for Educating the Daughters of the Irish Clergy, Dublin, was considered and passed.

Adjourned.

GERALD MOLLOY,

May 3, 1893.

Fredk. Redmond, Acting Secretary.

April 28, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The Draft Scheme for Tullycavvy School, Grey Abbey, and the Allen Endowment, was considered and passed, subject to a question reserved for the consideration of the Full Commission.

The Draft Amending Scheme for the Brown Street Sunday and Daily Schools, Belfast, was considered and passed.

Adjourned.

GERALD MOLLOY,

May 3, 1893.

Fredk. Redmond, Acting Secretary.

May 3, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The circumstances of the Kirkpatrick Endowment, Larne, were discussed; the Heads of a Scheme were submitted by Dr. Wilson, considered, and agreed to; and a letter, as drafted, in relation thereto, was ordered to be sent to Messrs. McNeill and Williams, the Solicitors instructed to apply for a Scheme.

Adjourned.

ANTHONY TRAILL,

May 5, 1893.

Fredk. Redmond, Acting Secretary.

May 5, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignore MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from the Rev. J. McLaurin, re: to the Calrugh School, Mullabreck, and a reply, as drafted, was ordered to be sent.

The Heads of a Scheme for the above named School were submitted by Dr. Trull, considered and passed.

The information supplied by the Athlone Presbytery, with a view to the preparation of a Scheme for their Endowments, was considered, and a letter, as drafted, was ordered to be sent to the Clerk of the Synod.

The application of the North East Agricultural Association for a Scheme, and the correspondence relating thereto, were considered, and it was agreed to report to the Full Commission as follows :—

That this Association is a purely Agricultural Association, and that their object in coming to this Commission is to obtain a Charter for their body; that, although they propose to qualify for incorporation by allowing a sum of £100, or £10 per year for Agricultural Education, this does not seem to bring them within the scope of this Commission.

Adjourned.

H. B. WILSON,

May 12, 1893.

Fredk. Redmond, Acting Secretary.

May 12, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignore MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the Kirkpatrick Endowments, Larne, was considered, amended, and passed.

The Draft Amending Scheme for Joseph Brown's Endowment, Ards, was considered and passed.

Adjourned.

ANTHONY TRAILL,

May 17, 1893.

Fredk. Redmond, Acting Secretary.

May 17, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignore MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for Calrugh School, Mullabreck, was considered, amended, and passed.

A letter was read from the Rev. W. M'Endee, submitting the name of a Governor to act on the Board of the above School.

Adjourned.

GERALD MOLLOY,

May 19, 1893.

Fredk. Redmond, Acting Secretary.

May 19, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

A letter was read from Rev. J. H. McLurin, submitting the name of a Governor to act on the Board for the Caheragh School and the McCreight Endowment.

The circumstances of the North East Agricultural Association were discussed, and the principles on which a Draft Scheme for that Association should be prepared, were submitted by Monsignor Molloy and considered.

Adjourned.

H. B. WILSON,

May 27, 1893.

Fredk. Redmond, Acting Secretary.

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May 27, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Heads of the proposed Draft Scheme for the North East Agricultural Association were considered and revised, and a letter, as drafted, was directed to be sent to the Secretary.

Adjourned.

ANTHONY TRAILL,

June 2, 1893

Fredk. Redmond, Acting Secretary.

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June 2, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Scheme for the North East Agricultural Association was under consideration, and Monsignor Molloy reported that he had had an interview with the Secretary of the Association, at which the details of the proposed Scheme were finally settled.

Adjourned.

GERALD MOLLOY,

June 9, 1893.

Fredk. Redmond, Acting Secretary.

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June 9, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Draft of a Scheme for the North East Agricultural Association was considered, passed, and ordered to be printed.

The suggestions for the amendment of the Draft Scheme for Ballintoy School were considered.

Adjourned.

H. B. WILSON,

June 14, 1893.

Fredk. Redmond, Acting Secretary.

June 14, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft of a Scheme for the Parochial Schools of the City of Dublin, and the Diocese of Dublin, Glendalough, and Kildare was submitted, considered, and ordered to be printed.

The Draft Scheme for Athlone Presbytery was considered and passed.

Adjourned.

ANTHONY TRAILL,

June 15, 1893.

Fredk. Redmond, Acting Secretary.

June 16, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The revised Scheme for Ballintoy Parochial School was considered and directed to be sent to the Judicial Commissioners.

Adjourned.

H. B. WILSON,

June 21, 1893.

Fredk. Redmond, Acting Secretary.

June 21, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Draft Scheme for the North East Agricultural Association was considered, amended, and passed.

Adjourned.

ANTHONY TRAILL,

June 23, 1893.

Fredk. Redmond, Acting Secretary.

June 23, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Revised Draft Scheme for the Parochial Schools of the City of Dublin, and the United Dioceses of Dublin, Glendalough, and Kildare, was considered, amended, and ordered to be printed in the amended form.

Adjourned.

H. B. WILSON,

June 28, 1893.

Fredk. Redmond, Acting Secretary.

June 28, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.  
Present:—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Revised Scheme for the Parochial Schools of the City of Dublin, and the United Dioceses of Dublin, Glendalough, and Kildare, was considered, amended, and passed.

ANTHONY TRAILL,

June 30, 1893.

Fredk. Redmond, Acting Secretary.

June 30, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting were read and confirmed.

The Objections and suggested Amendments sent in by Messrs. Reid on behalf of First Derry Presbyterian Congregation, with reference to the Draft Scheme, No. 146, dealing with the Endowments of that Congregation, were considered, and certain rulings were made thereon to be submitted to the Judicial Commissioners.

A letter, as drafted, was directed to be sent to the Messrs. Reid with reference to the Schedule of the Scheme.

Adjourned.

Fredk. Redmond, Acting Secretary.

GERALD MOLLOY,

August 11, 1893.

August 2, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The following Schemes and the Objections thereto were considered, and reports thereon were prepared for the Full Commission :—

- No. 61. Larne Grammar School.
- No. 113. Uriah Paul Endowment.
- No. 71. Strabane Academy.
- No. 125. The Charlton Charity.
- No. 85. The Cavan Royal School Endowment.
- No. 211. Gwyn's Charitable Institution and Joseph Young's Charity.

The application for a Scheme for the Lake Burne Endowment, Templeboy, and the subsequent correspondence relating thereto, were under consideration, and a memorandum thereon was prepared for the Full Commission.

The case of the Clonmel Charitable School was considered, and a letter in relation thereto was directed to be sent to the Rev. Latham C. Warren, Rector of Clonmel.

Adjourned.

Fredk. Redmond, Acting Secretary.

GERALD MOLLOY,

August 11, 1893.

August 4, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

The Draft Schemes for the following Endowments and the Objections thereto were considered, and reports thereon were prepared for the Full Commission :—

- No. 62. The Munster Dairy School and Agricultural Institute.
- No. 134. The Lyons Endowment, Loughrea.
- No. 130. The Stratford Lodge Schools, Ballyglass.

Adjourned.

Fredk. Redmond, Acting Secretary.

GERALD MOLLOY,

August 11, 1893.

August 11, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. WILSON.

Minutes of three preceding meetings read and confirmed.

The following Draft Schemes were considered and passed :—

- The Incorporated Society for promoting Protestant Schools in Ireland.
- St. Peter's Schools and Leeson Street Infant School, Dublin. Supplemental Scheme.
- The Endowments of and belonging to Congregations under the care of the Presbytery of Drumore. Amending Scheme.
- Gwyn's Charitable Institution and Joseph Young's Charity. Amending Scheme.
- The Parochial Schools of the Diocese of Meath, and other Endowments in the said Diocese; and the Arkleman Endowment for the Protestant Poor of Athlone.

Adjourned.

Fredk. Redmond, Acting Secretary.

H. B. WILSON.

October 6, 1893.

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**EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.**

October 4, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

The Schemes referred by the Judicial Commissioners for the Observations of the Assistant Commissioners were under consideration, and certain directions were given as to the following Schemes:—

- No. 192. Glenarm Parochial School.
- No. 23. The Lenny Endowments.
- No. 205. The North East Agricultural Association.
- No. 200. The Derry Unitarian Schools.

Adjourned.

GERALD MOLLOY,

October 10, 1893.

Fredk. Redmond, Acting Secretary.

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October 6, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. WILSON.

Minutes of meeting of August 11 were read and confirmed.

Observations prepared by Monsignor Molloy for the assistance of the Judicial Commissioners on the following Schemes were submitted and agreed to:—

- No. 192. The Glenarm Parochial School.
- No. 200. The Derry Unitarian Schools.
- No. 205. The North East Agricultural Association.

Adjourned.

GERALD MOLLOY,

October 10, 1893.

Fredk. Redmond, Acting Secretary.

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October 14, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of the two preceding meetings were read and confirmed.

Suggestions prepared by Dr. Traill for the revision of Scheme No. 162, Lord Weymouth's Grammar School, Carrickmacross, were submitted and agreed to.

Suggestions prepared by Dr. Wilson for the revision of Scheme No. 205, The Calragh School and McCreight Endowment, were submitted, amended, and passed.

Adjourned.

ANTHONY TRAILL,

October 11, 1893.

Fredk. Redmond, Acting Secretary.

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October 11, 1893.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Dr. WILSON.

Minutes of preceding meeting read and confirmed.

The Observations prepared by Monsignor Molloy for the Privy Council on the Objections to the Revised Scheme for the Lenny Endowments were read and considered.

The Objections and suggested Amendments to the Scheme for the Kirkpatrick Endowment, Larne (Scheme No. 204), were considered, and a memorandum thereon was prepared for the assistance of the Judicial Commissioners on the revision of the Scheme.

Adjourned.

Fredk. Redmond, Acting Secretary.

October 13, 1893.

# EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

1892-93.

## APPENDIX A. MINUTES OF EVIDENCE.

PUBLIC SITTING—WEDNESDAY, OCTOBER 19, 1892.

Vol. 12, 1892.

At the Four Courts, Dublin.

Present:—The Right Hon. Lord Justice FRYNCIBOR and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MORROW, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.B., M.D., F.T.C.S., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

N. D. MURPHY, M.A., Secretary, and F. REDMOND, B.A., Assistant Secretary, were in attendance.

### SCHME No. 144—ERASMIUS SMITH'S ENDOWMENTS (OBJECTIONS AND AMENDMENTS.)

*Stevens Corcoran, Q.C., M.B., George Wright, Q.C., and W. M. Jellett, Barrister-at-Law (instructed by Messrs. Keeney and Sons, Solicitors), appeared for the Governors of the Schools founded by Erasmus Smith, Esquire. F. H. Dodd, Q.C., and S. L. Brown, Barrister-at-Law (instructed by James Henry, Solicitor), appeared for the Intermediate Education Committee of the General Assembly of the Presbyterian Church.*

*C. L. Malleson, Q.C. (instructed by J. H. Dunn, Solicitor), appeared for the Provost, Fellows, and Scholars of Trinity College, Dublin.*

*W. M. Jellett, Barrister-at-Law (instructed by J. H. Dunn, Solicitor), appeared for the Governors of the Hospital and Free School of King Charles II, Dublin.*

*Rev. David Hampsey, D.C., appeared in person on behalf of the Children of the Tenants of Erasmus Smith's Estates in Limerick and Tipperary.*

*Rev. W. Nicholls, D.M., appeared on behalf of the Methodist Conference.*

*Rev. L. P. T. Lenihan, Lieutenant of Ulster, appeared in person on behalf of the Children of the Protestant Tenants of Erasmus Smith's Estate in Sligo.*

1. Lord Justice FRYNCIBOR.—Following the course which we have taken hitherto, in the exercise of our powers under the "Educational Endowments Act, 1880," we have appointed this sitting under the 2nd section of our Act as a public inquiry, concerning the subject matter of the Draft Scheme which has been published for the future management of the Educational Endowment founded by Erasmus Smith. Under that section, in all important or controversial case, we have held our inquiries collectively; but our functions will become divided at the conclusion of the present inquiry, because the 23rd section provides that after the holding of this inquiry the Judicial Commissioners shall proceed to consider the objections which have been made to the Draft Scheme, and any amendments proposed thereto, and thereupon they shall, if they think fit, frame a Scheme in such form as they shall think expedient, and submit it for the approval of the Lord Lieutenant in Council. There is also a provision applicable in the present case, that when a Draft Scheme has been submitted by the presenting body of endowment, before the publication of our Draft Scheme by us, such Scheme must, if required, go along with ours before the Lord Lieutenant in Council. It is, therefore, to be understood, that while, during the present inquiry, we have the assistance of the full body of the Commission, the responsibility devolves exclusively upon my judicial colleague and myself afterwards to consider what is to be done, and, if we think fit, to frame a Scheme in such form as we think expedient, and submit it for the approval of the Lord Lieutenant in Council. Now

Scheme can be submitted, unless it is signed by both the Judicial Commissioners; and, if we do not both think it expedient to settle any Scheme, or if we are unable to agree that any particular Scheme is expedient, the result would appear to be the negative one of leaving matters as they are. With a view to shortening the consideration of what, in my view, is a complicated subject, I shall follow the precedent of the case of the Royal Schools, by stating, as shortly as I can, and with as few controversial remarks as possible, the facts of the case, the history of the Draft Scheme, the objections made and the amendments proposed; and, lastly, the course which we propose to follow at the present inquiry.

I do not pretend to state all the facts fully. I shall endeavour to state the more important matters as they have presented themselves to us; if there is anything that the parties desire to supplement, they will kindly do so; and above all, if there is any matter as to which we are under any misapprehension, we wish it to be corrected.

With the exception of one small remittance, which appears to be held upon a special trust for a school at Ardagh, all the property now administered by the Governors of Erasmus Smith's Schools is, I believe, derived from Erasmus Smith himself.

Erasmus Smith appears to have been an Alderman of the city of London. We have done all we could to trace the history of the founder, as well as of the endowment; and we have even got a copy of his will, which has not appeared among the published papers before. We have also attempted to trace

the estates which were granted to him in the time of the Commonwealth. He got grants of forfeited lands, very much larger in extent than the lands given for the charitable purposes of his foundation; and in referring to his estates, in the documents of foundation, he speaks, not merely of those lands which form the corpus of the endowment for the schools, but also of considerable tracts which were his own private property, and which now include, among others, the Derby and Smith-Barry estates.

The origin of the foundation appears to be a Deed of 1657, three years before the Restoration, indicating a desire to build and maintain four schools for the children of poor tenants on his estates, and for the children of other persons, for the maintenance at the University of such of the children of the tenants as might be considered fit for University education, and, after them, for children to be selected by the trustees, pupils of the schools having the preference. He also made provision limited to a small proportion of the fund even as it then existed, that when the income should reach £300 a year, about one-eighth of that sum might be devoted to establishing four "English schools," and he fixed the salaries of the masters of these schools, but they appear to have been only a secondary object. The main object of the endowment, so far as the character of the education was concerned, appears perfectly clear. It was a "Grammar School foundation," for giving education superior to that given in ordinary Primary Schools; it was to be directed to the pupils to join the University; and from the commencement, he made provision for assisting pupils who had gone to the University to complete their course there. I may repeat an observation which we have made from time to time with reference to similar endowments, that since this foundation originated, vast provision has been made by the State for Primary Education, out of all proportion to what has been made for Intermediate or University Education; therefore, instead of there being now any motive to divert endowments from Intermediate or University Education to Primary Education, the necessities of the present time would appear to indicate that the course should be the opposite.

Nothing was done under the Act of 1657. The circumstances of the country, probably, account for that. At all events, nothing was done until after the Restoration, when, in 1667, the first Patent was granted to Erasmus Smith by Charles the Second. That Patent put a rent-charge on the property for Christ's Hospital, London, an institution in which the founder was interested. It gave power to maintain four English schools; it made provision for apprenticing pupils to Protestant masters, and it provided for establishing three Grammar Schools. The number was reduced from that contemplated by the Deed of 1657. Erasmus Smith seems to have at one time had an idea of founding five, at another time four; but finally the number was reduced to three. In this first Charter, Galway was fixed as the locality of one of the Grammar Schools. The Charter provides that the residue of the rents and profits should go to provide Exhibitions for poor students in the University of Dublin who had been educated in his own Schools, or, failing these, for other poor students to be nominated by his trustees, a preference to be given to the children of tenants on his lands.

I now merely give the history of the foundation, apart from the denominational question. The Charter of 1657 was supplemented, rather than altered, by a subsequent Charter of 1669, which is the principal Charter, and took the place of the documents that had gone before, which are now of use only as far as they throw light on the intentions of the founder. By the Charter of 1669, the localities of the three Grammar Schools were fixed, at Drogheda, Galway, and Tipperary. These towns appear to have been chosen with respect to the localities of the estates of Erasmus Smith.

PRIMER WITH WHICH WERE PREPARED SCHOOLS IN THE SOUTHERN

of Limerick and Tipperary, but he had also considerable property in Galway; and he appears to have had some property near Drogheda, but the particulars of that are not so clear as of the others. Provision was made for the management of the schools, and a clause was inserted which, in my experience, is without parallel; although it was a Royal Charter, certain rules laid down by Erasmus Smith himself were incorporated with it, and special provision was made that, so long as Erasmus Smith lived, he was to be the director of the whole affair, and whatever rules he chose to lay down during his lifetime were to possess the force of the Charter itself and were not to be changed by the trustees after his death. That fact becomes important in connection with another branch of our inquiry. The date of the second Charter was 1669; Erasmus Smith exercised his power of framing fundamental rules, and died until 1691. He therefore lived from the first foundation under the Commonwealth through the whole of the reigns of Charles the Second and of James the Second; he survived the Revolution, he lived under William and Mary, and he did not die till 1691. During all that time he appears, by the minute book of the Governors, to have been in constant communication with them, and to have taken an active part in the appointment of Masters and the regulation of his Schools, and in endeavoring to carry out the intentions which he himself had formed, and which he left, first the Commonwealth, and then from the King, to assist him in putting them into execution.

The first great change in the application of the property was made under a statute of 1723, upon which some questions arise. It removed the restriction upon the foundation of English schools. There had also been a provision in the Charter of 1669, that when the rent exceeded in certain sum the Governors might found a Hebrew or other lecture ship in Trinity College. The Act of 1723 made provision for three junior fellowships and two additional bursaries, and contained a number of elaborate provisions for exhibitions for poor students in Trinity College. A question may arise upon that, as regards the clause in our Act, which excepts from the power of the Commission any endowment belonging to, or administered by, or in the gift of, the University of Dublin or Trinity College. On consideration of that matter, we thought that the property which the Act of 1723 definitely allocated to Trinity College, and placed under the control of the Governing Body of the University, fell within that exception, and therefore we have not attempted to deal with it. But a great deal more than the amount intended by the Act has been still paid to Trinity College, and as regards that additional amount a question may arise. The Exhibitions have been increased in value and number, and certain other payments have been made; at present about £600 a year is paid over to Trinity College. In one case that can be as high as £750, at other times it can be as low as £250 a year. It has been from time to time varied by the Governors. There are also provisions in the Act which indicate that the objects of this additional bounty were to be selected by the Governors, but from the evidence of the Vice-Chancellor in 1861, the duty of selecting the Bursarships seems to have been dispensed, as it were, by the Governors to the Governing Body of Trinity College, with a power to vary the provision, as appears in the University Code. The question, therefore, will be whether these additional payments out of the endowment "belong to" or are "administered by," or are "in the gift of" the University of Dublin; if not, they will, with the rest of the endowment, be subject to the Senate. There is in this Act of 1723 a further provision, under which a considerable amount is now expended. The Governors, having an boarding school in Dublin of their own, entered into an arrangement with the Governors of the Benevolent Hospital to send twenty pupils to that school. Substantially the terms of the agreement were that they were to pay a pro rata pro-

portion of the entire expense of that school. That payment was ratified by the Act of Parliament; and provision was made that, if the income of the endowment should fall off, the payments to Christ's Hospital, London, the Junior Fellows of Trinity College, and the Honourable Hospital, should not be diminished.

Until 1822 the chief officer of the Governors, the Treasurer, though a member of the body, was paid no ordinary percentage of a receiver. By the next important document, a Charter of William IV., granted in 1833, the payments to the Treasurer were abolished, and the amount of his percentage was apportioned more at the discretion of the Board than any other portion of their fund, and was to be applied in such manner as the Board, from time to time, should appoint. One can easily conceive that an officer who had been at liberty to apply that money to his own purposes, would be in a position to say—"If I grasp this, the Governors must be free to use it for the general object of their trust." It seems at first to have been largely applied to found English schools, and ultimately to found the Dublin High School.

I now come to the question of the formation of the Governing Body. The Governing Body originally consisted, and still consists, partly of co-opted and partly of co-opted members. Substantially about one-half have been co-opted, and the remainder ex-officio—the total number being between thirty and forty. The chief work, however, has devolved upon those who have attended more regularly, who form a standing Committee, which practically manages the affairs of the body. Some portions of the funds have been set aside railways and the like, but I believe the main funds which the Governors possess represent the funds of Erasmus Smith, or accumulation of such, chiefly the Treasurer's percentage. They have the buildings of the three original Grammar Schools, and of a fourth School founded in 1773 at Ennis, but recently discontinued. They also acquired a school in Brunswick Street, Dublin, in the early part of the century, which is better than a Primary School, though rather a Commercial than a Grammar School; and in 1803 they founded a High School in Buresett Street, chiefly with money derived from the Treasurer's percentage. It appears from the report of the Committee in 1880 that there were some difficulties as to the legality of that foundation, which were got over by applying the Treasurer's percentage to the establishment of that School. It has become a very important and efficient School, with some 300 pupils, and is now doing a large educational work, but was to be almost entirely self-supporting, and no longer draws any very large sum from the endowment.

The income of the endowment appears to have varied very much from time to time. In the six years it seems to have been about £600 a year, an inconsiderable sum for these days, but it afterwards greatly increased. In 1854 it appears to have amounted to about £8,000 a year; in 1880 it was about £7,000, and in the year ending May, 1891, £26,983, of which £6,109 was derived from rents, and the rest from interest on moneys.

The expenditure in 1891 consisted, first, of the payments to Christ's Hospital, to Trinity College, and to King's Hospital. The payment to King's Hospital was about £800—£40 a year for each of the twenty pupils maintained there. The expenditure on the Grammar Schools, including Buresett Street, with the Commercial School in Brunswick Street, amounted to £1,097. Having visited all the Grammar Schools, we were struck with the small amount of money that reached them from the endowment; and I think that observation is to some extent confirmed by the figures which I have given, which show that the five Schools got under £400 a piece on average. The next item of expenditure was £1,049—practically the same amount, upon the English schools. Those English schools originated

from the four English schools for which Erasmus Smith allocated only a small and defined portion of his property, but to which the Act of 1723 enabled the Governors to apply an indefinite amount. I need not go through the reports of previous Committees which give the history of those English schools. A great multiplication of them took place at the time of the great contest between the National Board system and the Church Education system; at one time the Governors maintained no less than 140 English schools, in the interest of "Church Education," as against the National Board. In 1880 the number had been reduced to, I think, 103. The Vice-Chancellor then gave evidence as to the mode in which the reduction had taken place. The necessity for reduction had arisen from the diminution which had occurred in the income of the Board, and a saving was sought to be effected by discontinuing the expenditures upon such English schools as were in a position to take advantage of grants from the National Board. The Governors put pressure—I think it came to that—upon the managers of those schools to join the National Board, and thereby to relieve the endowment. Whatever may be the fate of the present Scheme, I hope that the figures which I now propose to give will be considered worthy of the attention of the Governors. There were 103 "English Schools" in 1879; the number is now reduced to forty-three. From the Reports of the National Board and of the Governors of the Erasmus Smith's schools, we have traced the fortunes of as many as we could of the schools that were deprived of the Erasmus Smith grants, and transferred to the National Board; and the results are certainly very startling. We have identified thirty-eight schools, as to which we can state the number of pupils, and the amount of the expenditure in 1879, when they were Erasmus Smith Schools, and in 1889, when they were National Board Schools. In 1879, in these thirty-eight schools, there were 3,225 children. In 1889, in the same thirty-eight schools, some of which had only recently become National Schools, there were 3,810 children. Therefore, on the withdrawal of the grants from the Erasmus Smith Endowment, and the substitution of the National Board grants, the number of pupils increased by seventy-one per cent.; and that increase was chiefly in the smallest schools, schools that might have been kept on because, in the words of the Vice-Chancellor, they were not in a position to take full advantage of the National Board grants; but the moment they did take advantage of them, they ceased to have any difficulty at all. We find such numbers as twenty-six increasing to eighty-five, twenty to seventy-two, thirty to eighty-four, and so on; it is in the largest schools that the proportion of increase is least. Now, how does the master stand as regards money? In 1879, for these thirty-eight schools, the Erasmus Smith grants amounted in all to £1,559 1s. 4d. That was only 3s. 4d. per head upon the children than in these schools, about half what the National Board would consider a sufficient education grant. To the same thirty-eight schools, in 1889, the National Board, presumably not wasting the public money, made grants amounting in all to £5,277 3s. 2d., being 17s. 2d. per head on the increased number of 3,810 children. Therefore, while the number of pupils increased by seventy-one per cent. on the withdrawal of the endowment, the amount of money expended upon the schools more than trebled. There are seven other schools which we are able to add so as to compare the expenditure, but we have not the number of pupils. Adding these, the total amount spent in 1879 by the Governors of Erasmus Smith's forty-five schools was £1,329 9s. 6d.; and on those same forty-five schools the National Board expended, in 1889, £4,108 15s. 11d.

The Vice-Chancellor.—Perhaps I may be pardoned for one moment. As a matter of fact, in considering these figures, it should be taken into account that the Board has always required that one

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third of the expense of every English school should be paid from local sources.

2. Lord Justice FitzGrennan.—I am aware of that. But the figures I have given are only the amounts paid, while the schools were in connection with the Erasmus Smith Board, out of the Erasmus Smith fund, and since they joined the National Board, out of the public funds only. Both Boards require a portion of the expense to be contributed from local sources, and I have left out the local aid in both cases, so that the figures represent accurately the expenditure on the schools, while under the two Boards, as being £1,229 from the funds of Erasmus Smith, and £4,108 from the public funds, administered by the National Board.

The Vice-Chancellor.—But you should increase the £1,229 by one half in order to take into account the amount contributed by local aid, so that the actual expenditure was over £1,800.

3. Lord Justice FitzGrennan.—If I did that I should also increase the amount expended on the schools when under the National Board, by adding the sum considered as local aid; but even adding the third, the expiation outlay on the Erasmus Smith schools will be only about 12s. per head, and the National Board grant alone is about 17s. Since 1889 two great changes have been made in the National Board system. In the first place, full grants are now made to schools having a smaller number of pupils than before, and the limit for salaries is reduced to twenty; in the second place, there has been a large increase in the expiation allowance to schools having from ten to twenty pupils, and the results fees have been also raised. The upshot of the matter is that the impression upon the minds of all of us is that, wherever it is possible, these English schools should be withdrawn from the Erasmus Smith endowment, and placed under the National Board; because not only will a saving be effected to the Erasmus Smith fund, but experience shows that the number of pupils will be increased, and that, even in the smallest schools, a larger amount of money will be applied to teach them. We are anxious to put forward that view forcibly, because we are all distinctly of opinion that the £1,800 a year, which at present is paid out of the Erasmus Smith fund for English Schools, is money to which the words of our Act of Parliament emphatically apply, and that its usefulness can be best extended by taking it away from the purpose to which it is at present applied, and applying it to the other purposes which Erasmus Smith had first and chiefly in his mind, namely, Intermediate and Technical Education, and the instruction of pupils intended for the University.

The remaining item of expenditure is the expenses of the Governor's house, salaries and office expenses, about £800 a year.

Now, these are the endowments, the schools, and the expenditure with which we have to deal. The Report of the Commission of 1884-5 finds that the management of the schools was, at that time, not at all satisfactory. I need not go further into that Report than to say that the amount of the income then was larger than now, that the character of the Schools was discussed, and the Commission placed them in the category of "Exclusive Schools." Schools which belonged exclusively to one denomination, and that the management was not then satisfactory. The next inquiry was in 1878-1880, and the result is summed up at page 83 of the Report of the Commission of 1878-80. The Report states that some improvements were effected since 1888, and that since the appointment of the Vice-Chancellor as Treasurer, in 1892, most of the defects noticed had, to a great extent, been removed. That is a strong testimony to the way in which the Vice-Chancellor has devoted himself to the work of managing the endowment; and to the solicitude with which he has attended to every detail.

We took the matter up in 1886; and on the

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11th of March in that year we held a Public Inquiry in Dublin, upon notice not only to the Government but also to all those who, throughout the work of this Commission, have represented the claims of all religious denominations, and to the other parties who have appeared before us from time to time. The Vice-Chancellor gave evidence as to the state of the Endowments and of the schools, and we adjourned the matter until May 19, 1886. The proceedings of March 11, 1886, will be found on page 181 of our Report for 1885-1886, and those of May 19, 1886, at page 289 of the same volume. On the like occasion Mr. Currie, Q.C., and Mr. Bodkin appeared for the Catholic Head Masters' Association, Mr. Shaw for the Intermediate Education Committee of the General Assembly of the Presbyterian Church in Ireland, Dr. Webb, Q.C., for the Wesleyan Methodists, and the Rev. H. J. Whittemore for the Congregationalists. Mr. Curran put before us the Roman Catholic views—we heard Mr. Shaw, Dr. Webb, and Mr. Whittemore; the Vice-Chancellor gave us further evidence, and we then proceeded, as in other cases, to visit the Schools before settling about the preparation of any Draft Scheme. In October, 1885, we went to Drogheda. We saw the Drogheda School, examined the Master, and received a memorial from the Roman Catholic inhabitants of Ardee. In the following year we went to Ennis, and on October 13, 1887, we had before us the representatives of the inhabitants who presented a memorial urging that the Ennis School might be continued. On October 13, 1887, we went to Tipperary, held an inquiry at the School there, and examined the master. The Rev. Mr. Humphreys, the Roman Catholic curate of the parish, appeared at that inquiry. He stated that he had not at that time looked into the history of the endowment, but he afterwards furnished us with a full printed statement of his views which we have now before us. In 1888 we went to Sligo, where a representative of the tenants of the Erasmus Smith estates, Mr. Clarke, appeared, and stated his views upon the matter, and called our attention to the alleged grievance that an Erasmus Smith's school which had formerly existed there had been discontinued. On October 13, 1888, we went to Galway; we received a memorial; and we heard statements from a clergyman, and from a solicitor, Mr. McDermott, who represented the Roman Catholic inhabitants, and from the Presbyterian clergyman of the place.

We then set about preparing the Draft Scheme, and in our Report for 1889-1890 the first stage of the preparation of the Scheme appears at page xxiii. On November 9th, 1889, the principles of a Draft Scheme were discussed, and the Secretary was directed to prepare a Draft Scheme upon the following basis—

"1. That it is an endowment of private founders, and therefore the Scheme must have regard to the founder intentions. 2. That in the opinion of the majority of the Commissioners, having regard to those intentions, the Governing Body should be exclusively Protestant, subject to a question to be further discussed as to the admittance of various denominations of Protestants to the Governing Body."

The Secretary proceeded with the preparation of the Draft until further action was stayed under the circumstances stated at page xlvi, of the same report, under date January 14, 1890.

"On proceeding in October last to consider the case of Erasmus Smith's Endowments, both the Judicial Commissioners were of opinion—subject to the result of any further discussion which might take place on the public hearing of objections to the Draft Scheme when published—that the Endowments in question were of private origin; that it was the intention of the founder that the Schools and their government should be Protestant in character, and that the Draft Scheme should be ratified in this respect. The Rev. Dr. Molloy, one of the Assistant Commissioners, did not think that the Endowments should be treated by the Commission as not valid endowments for the benefit of Protestants. The Judicial Commissioners

sic found that there was another vital question in connection with the Endowments, viz., whether the Governing Body of the Endowments was to consist exclusively of members of the less Established Church, and it appeared certain that this question would give rise to objections, which should be heard and determined by the Judicial Commissioners. Under these circumstances Lord Justice Smith, who found himself, from ill-health, unable to continue to sit on the Commission, considered that he ought not to proceed further with the settlement of the Draft Scheme, as he would not be able to take part in the determination of any matter of objection, nor in the final adoption of the Scheme. He, therefore, felt that it would be more proper to leave the entire matter to be disposed of, and the Scheme to be finally settled by the Commissioners who would have charge of it all through. The consideration of the Scheme was therefore adjourned."

On January 21, 1890, my lamented colleague resigned. The memorandum and the minutes which I have read were embodied in our Report to the Lord Lieutenant, dated November 15, 1890, and we stated then, (page vi.)—

"The consideration of the Draft Scheme was, therefore, adjourned, and the necessity for the full consideration by Mr. Justice O'Brien of the voluminous documents and evidence relating to these Endowments, with the pressure of other business, has hitherto prevented us from resuming the consideration of the matter."

We subsequently resumed it, and the result is stated in our Report for 1890-91, pages iv. and lvi. The Minute on which the present Draft Scheme has been passed is to be found on page lxi. It is dated February 6, 1891:—

"The principles on which a Scheme should be prepared for Erasmus Smith Endowments were discussed. The following resolution was moved by Mr. Justice O'Brien, and seconded by Professor Doughterty:—'That a Draft Scheme be prepared on the basis of a natural or mixed Governing Body to manage the Endowments, and of the benefits of the Endowments being available for all denominations without any religious test.' The following amendment was moved by Lord Justice FitzGibbon, and seconded by Dr. Trull:—'That due regard to the spirit of the founder's trustees requires the constitution of the Governing Body to be exclusively Protestant.'"

This amendment is in the very terms of the minute of November 9, 1889, but on February 6, 1891, it was negatived, and

"The original resolution was adopted by the majority of the Commission, Lord Justice FitzGibbon and Dr. Trull voting for the amendment and against the resolution. Dr. Molloy, while assenting to the resolution that a Draft Scheme should be prepared on the basis proposed by Mr. Justice O'Brien, stated that he did not think that the most satisfactory basis of a Scheme, but that it was less open to objection than the alternative proposal."

The Draft Scheme has since been prepared on the basis of that resolution, and is the subject matter of the present inquiry. It has been accompanied by a memorandum explaining the provisions of the Scheme, and also by a statement of my reasons for adhering to the resolution previously come to, with observations by Dr. Molloy and Dr. Trull upon the Scheme itself. The Scheme has now been met by seventeen sets of objections, the order of bearing which it will be well to settle.

The first and main question is that of religion; and substantially that question arises, as well with regard to the religion of the pupils as also with regard to that of the Governing Body. The existing Governing Body lodged a Scheme at the commencement of our proceedings, in which they proposed that as soon as the existing ex-officio Governors should drop off, the body should be constituted of certain ex-officio and co-opted members, all of whom should be members of the Church of Ireland. The Standing Committee of the General Synod of the Church of Ireland, and certain Diocesan Synods, have lodged objections, substantially taking the same view, and all these objections appear to raise one contention, namely, that none but members of the Church

of Ireland should be on the Governing Body. The most opposite contention is that which would throw the schools and the Governing Body open to all denominations, and that view is put forward in one objection which we have received, the objection of the Rev. Mr. Hampshire, the Roman Catholic curate of Tipperary, who has sent in, with his objection, detailed suggestions as to what he thinks would make a satisfactory Scheme. That objection, therefore, seems to raise the vital question as regards the religion of the Governors in the shape which it is most convenient to discuss after the Governors' proposal.

The next objection in logical order is that of the Protestant denominations other than the Church of Ireland, who contend that all Protestants, but Protestants only, are within the intention of the founder. While, of course, you all see, from what I have read, that the inchoate conclusion is that we came to in 1889, when the Commission was differently constituted, have fallen to the ground, I must say that as regards this question, there never was even any inchoate conclusion; and while we have sought and invite information which, in my view of the case, would be important, further evidence is much needed on this particular question, namely, evidence as to the constitution of the Governing Body from time to time, especially during the founder's lifetime, and as to the light thrown by Erasmus Smith himself upon his intentions with regard to the matter, e.g. in his directions as to Caducians, his choice of Trustees, and the like. Those are the objections that appear to go to the root of the matter, and to the whole of the Scheme, as regards the formation of the Governing Body, and those in the ordinary course we should hear first. We always hear the Governing Body first, then the objectors, and lastly we give the Governing Body a right of reply, and the present case will be no exception.

There are several other objections, and they may be taken in the order of their importance. There is, first, the objection of the authorities of Trinity College. They claim that the whole amount hitherto received shall be assured to them, and shall continue to be paid to them as a matter of right. There is a fixed sum to which the claim of the College is clear. As to the residue, the difficulty is in the way of the objectors is, first, that the amount has, from time to time, been varied by the Erasmus Smith Governors; and, secondly, that the power of administration appears to have been vested in the Governors, although they have left the distribution of the fund in the hands of Trinity College. In that question, I may say, I take a personal interest. Certainly the money has not gone to poor scholars, children of tenants of the Erasmus Smith estate, nor altogether to poor scholars at all; and furthermore, it has not gone to poor scholars *in situ pupilli*. I myself, after taking my degree, discovered for the first time that I was in receipt of an Erasmus Smith scholarship, when I received the Bursar's cheque; and that history repeats itself, and that the same system is in existence still, a reference to the present list of Erasmus Smith Exhibitiors appears to indicate. According to the intention of Erasmus Smith, the money ought to be given to those University students who are poor, and who are pursuing their studies; and it ought not to be given to any who have independent means, or who have completed their University education.

The next objection is that of the Governors of King's Hospital. We have some difficulty in defining their legal position. There is no agreement binding the Erasmus Smith Governors to send any pupils to King's Hospital. If, for example, they thought they were not getting value for the *admission* which they pay for each pupil, or that the teaching was not as good as it ought to be for that amount, I do not see that they would be bound to send any pupils. Again, it would appear that there is no profit arising out of the agreement to King's Hospital,

for the payments are ascertained by dividing the total expenditure by the number of pupils so that there is no profit except so far as a school with twenty more boys can be more profitably managed than a school with twenty less. The question for us is whether this is really an endowment of King's Hospital. We are in a little difficulty about that institution. The Governors claim to be outside our jurisdiction and excepted from our statute; and for reasons only known to themselves, they have taken a course not adopted by any other body in Ireland, and "sat upon" their title deeds; we have not yet been put in a position, as we have been in every other case, to form an opinion how the matter stands. Of course, the question whether they are exempt or not from our jurisdiction is one upon which we could form no conclusion that would bind them, but we have had to form an opinion upon it in every case before proceeding and the unexampled course taken by the Governors has hitherto prevented us from deciding whether they are exempt or not. But recently they have offered their evidence for investigation, and we are in course of examining it. Meantime we have no reason to suppose that they are not exempt, and whether they are so or not cannot affect our consideration of the questions as to the amount payable to them from the Erasmus Smith Endowment. As to that, the questions will be whether it is an endowment to King's Hospital, and if not, whether the money is best spent by being paid to King's Hospital under the existing agreement. Upon that point we shall be glad to receive evidence. Of course, upon this objection, the same religious question crops up, for King's Hospital claiming to be an exclusively Church of Ireland Institution, naturally supports the view that the endowment belongs to that denomination.

The inhabitants of Drogheda have an objection, and we have one from Ardee, apparently raised under the misapprehension that the Ardee school endowment was derived from Erasmus Smith. Then there are some objections from owners of vested interests. As regards the teachers of English schools, after what I have said, it will be seen what my view of the matter would be; that money might be well spent to shorten the period when those schools should be put under the National Board, by making some reasonable provision by which teachers who have been employed in the English schools, and who from age or other reasons are unable to join the National Board, would be preserved from want.

The last objection is from the Senior Classical Master of the High School, and he has put in writing what has struck ourselves, that the amount of money actually spent upon the Grammar Schools is not at all as large as it might be, with advantage. He does not put strongly forward a claim for increased salaries; but he makes a case for an increase in the number of assistant masters, and for more liberal expenditure of money in improving the school appliances and the teaching. Many other schools possess better buildings and appliances than these schools, and if money could be spared from the other purposes to which the fund is now applied, I have no doubt that the Governors would go with Mr. Thompson in thinking that it might be well spent, not only upon the school in Harcourt Street, but upon other Grammar Schools. We think that all doubt as to the legality of the expenditure upon the High School in Harcourt Street ought to be settled one way or other; and that, if it be a legal mode of disposing of the endowment, the Governors should be relieved from the necessity of complicated arrangements to escape or evade legal difficulties.

These are the leading considerations which we have now before us. We wish, first, to hear the existing Governing Body, then the various objections, taking them in the order I have mentioned, first taking the

Roman Catholic claim, then the Presbyterians, and so details. I do not know how far the present inquiry will be assisted by those who have appeared on former occasions; but all parties who have at any time appeared before us have had notice of the inquiry, both through the public papers and through proceedings have been sent.

(Mr. Carson, q.a., with Mr. Jelett, instructed by Messrs. Maunsell and Son.)—We appear on behalf of the existing Governors of Erasmus Smith's Schools, object to the Draft Scheme. We contend that it is entirely erroneous, not merely as regards the question of religion, but also having regard to the fact that it gives the go-by to the Scheme which the Governor submitted to the Commission, which you were bound, under your Act of Parliament, to have taken notice of, and as far as possible, to have adopted. The only meaning or object of giving the prior right to the Governors to put in a Scheme would be, that the Commission should pay some regard to the Scheme put forward. That second question is not, of course, the most material; because if the Draft Scheme as at present constituted, is adopted, the present Governor would probably take very little interest in the third question, because they are of opinion, and I think anybody on slight consideration would also be of opinion, that the result would be to change what has been hitherto conducted as a Protestant administration, into which would, eventually, become entirely Roman Catholic. It does seem strange, after more than 100 years of the administration of this as a Protestant charity, that this Commission, acting under an Act of Parliament, the object of which was merely to re-organise the Educational Endowments of Ireland, is to have power to change an administration which hitherto has been exclusively Protestant, into one which must, as events tend, become exclusively Roman Catholic. You have at present, upon the Books of your Commission, a resolution of two Judicial Commissioners, the late Lord Justice Naish and Lord Justice FitzGibbon, deciding, as a matter of law, upon the construction of the documents regulating his charity, and upon the construction of the Act of Parliament under which you are acting, that this was a Protestant institution. I do not find that, after that legal decision was come to, there was any further argument of the case, or any further evidence laid before you. That decision having been come to, and never, so far as I can see, at all events in express terms, rescinded by the Commission, apparently without further argument, another resolution was come to, entirely at variance with the one come to on the previous occasion, and determining that the Scheme should be settled, not upon the basis of the judgment of Lord Justice Naish and Lord Justice FitzGibbon —

4. Lord Justice FRASER.—I do not think you are at liberty to call it a judicial decision. It was an opinion, as to the basis upon which the Draft Scheme should be prepared; but I have always endeavoured to keep my mind open from anything like a judicial decision, until I have heard the arguments as to objections to the Draft Scheme. Any resolution previously come to, is an expression of our opinion; but you cannot rely upon it as a judicial decision.

Mr. Carson.—I rely upon it as a decision of the two Judicial Commissioners.

Mr. Justice O'BRIEN.—You may as well read it as you put it in that way; read it, and see what it is.

Mr. Carson.—The importance of it is this, that I understand the Act of Parliament, unless the two Judicial Commissioners agree in a Scheme the Scheme falls entirely to the ground.

5. Lord Justice FRASER.—That does not apply to a Draft Scheme. We have frequently put forward

Draft Scheme which had not been agreed to by the two Judicial Commissioners, nor indeed agreed to at all for the purpose of inviting discussion upon them.

6. Mr. Justice O'BRIEN.—Read the statement of Lord Justice Naish.

Mr. CARSON.—This is the resolution of November 2d, 1889: "The principles of a Draft Scheme were discussed, and the Secretary was directed to prepare a Draft Scheme upon the following basis: (1) That it is an Endowment of private foundations, and therefore the Scheme must have regard to the founder's intentions; (2) that in the opinion of the majority of the Commissioners, including the two Judicial Commissioners, having regard to those intentions, the Governing Body should be exclusively Protestant, subject to a question to be further discussed as to the admission of various denominations of Protestants to the Governing Body." H language means anything the only question reserved was as to how this exclusively Protestant body was to be made up, whether Presbyterians and other Dissenters should be admitted upon it; but as to the vital question in the case, you came to a determination, after hearing argument, and in that determination the two Judicial Commissioners concurred, that this was to be, as it always has been, an exclusively Protestant body, and it does seem strange—I say so with great respect—that that decision having been come to, the first thing we find afterwards is that, when the Draft Scheme is published, instead of being in accordance with that decision, it is a wholly different Scheme, a Scheme providing for a mixed Governing Body, a Scheme which is practically unworkable, and which can have only one effect, namely, to hand over the institution to those who represent the Roman Catholic religion.

7. Mr. Justice O'BRIEN.—An alteration having taken place in the constitution of the Commission since the date of that Minute, how do you say, is point of law, that what you call the "resolution" could be carried out, the Commission being differently constituted?

Mr. CARSON.—I submit that there must be some continuity in the proceedings of the Commission. Otherwise, as often as a new member was appointed, he would have a right to insist upon all that had been previously done by the Commission being re-opened.

8. Mr. Justice O'BRIEN.—The ultimate decision must rest with the Judicial Commissioners, upon the Scheme to be signed by them; and until their signatures are put to that Scheme there can be no legal decision. You are entirely wrong in the view you take of the law.

Mr. CARSON.—That is where my argument comes in. If I am right in my construction of the Act of Parliament, the two Judicial Commissioners must agree as to the basis of the Scheme; and if they do not agree there can be no Scheme at all.

9. Memsinger MOLOV.—You are quite justified in relying on the Minute of the 9th of November, as showing the opinion which the majority of the Commission at that time entertained; but it is a mistake to suppose that the Commissioners of the present day are bound to publish a Scheme in accordance with that opinion. That resolution was come to by the majority of the Commission then in existence, and they have the responsibility of it, and not the Commission as at present constituted. The memorandum read by Lord Justice Fitzgerald was inserted on the Minutes at the request of Lord Justice Naish, it being his wish, before retiring from the Commission, to leave on record what his opinion was at that time, but not with any view of binding the Commission as constituted afterwards, with regard to the Scheme which was to be published.

10. Lord Justice FITZGERALD.—Lord Justice Naish could not bind the Commission, and that Minutia did not even bind himself if he had continued a member of it. I agree with you, Mr. Carson, that you are entitled to the advantage of Lord Justice

Naish's opinion on a matter of law, as to which he was as competent to give an opinion, perhaps, as anybody; but I do not think you can push it any further than that. You are also right in saying that no Scheme can be sent on for the approval of the Lord Lieutenant in Council, unless the two Judicial Commissioners concur in it. But I entirely disclaim being bound by any directions given at the time of preparing a Draft Scheme. I may mention one case where a Draft Scheme was published, containing a mixed governing body in ignorance of a provision in one of the instruments of foundation; and when the deed was afterwards produced the Scheme was altered, and an exclusively denominational body was created. Every Draft Scheme is published for the purpose of being discussed, and it is only after objection and discussion that the final Scheme is decided upon by the Judicial Commissioners. Until then they are bound to give no decision. We must give directions for the preparation of our Draft Schemes; and you are entitled to say that it appeared three years ago to Lord Justice Naish and myself that this endowment ought to be placed under a Protestant Governing body.

Mr. CARSON.—Then I am at liberty now to argue the case as if neither the resolution in which Lord Justice Naish joined, nor the subsequent resolution which is at variance with it existed.

11. Lord Justice FITZGERALD.—Neither is of any binding force.

Mr. CARSON.—Then, if there is no binding force in either of them, we must be here as if the thing were not now.

12. Lord Justice FITZGERALD.—Your position is rather worse than that, for at one time you had the opinion of two Judicial Commissioners in your favour, but at present you have only one. You said just now that the first you heard of the change of opinion was when the Draft Scheme was published. We have always, throughout all our proceedings, let everybody know what we are doing. Every one of our proceedings is recorded in our Minutes, which are printed and published every year; and both those resolutions were published in our annual Report immediately after they were arrived at.

Mr. CARSON.—I did not mean the observation in that sense. What I meant was, that so far as any proceeding by us could be taken, there was no opportunity of taking any step till we saw the Draft Scheme.

13. You are certainly entitled to deal with the Draft Scheme as being now, for the first time, placed before you.

Mr. CARSON.—Of course I would much prefer to argue a case before a judge before he had made up his mind than afterwards.

14. Mr. Justice O'BRIEN.—Or before two judges, both of whom had made up their minds.

Mr. CARSON.—Of course that makes it still stronger. I am brought in here with these resolutions already adopted, and on your Minutes; and I have to try to bring the mind of one of the Judicial Commissioners to a consideration of the case, he having himself proposed the resolution against which I have to contend. I think it would have been much more satisfactory, if I may respectfully say so, if before you came to that resolution, we had been allowed to argue it.

15. Lord Justice FITZGERALD.—It would be more satisfactory to you; but the other side might retort the remark if the first resolution stood alone. But it is unavoidable. We must give specific directions for the preparation of the Draft Schemes according to the view we take at the time. But when a Draft Scheme is published, we are bound, under the 23rd section, to hear objections to it, and to devote ourselves, with open minds, to the consideration whether it is right or not.

Mr. Justice O'BRIEN.—There was no opportunity of hearing the parties, nor was there any occasion to do it,

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Mr. CARSON.—Well, the resolutions, at all events, are there; and, of course, a great onus is cast upon counsel in endeavouring to argue a question before a judge who has already given an opinion.

15. Dr. TRAILL.—You have this fact also, that one of the Commissioners who has drawn the Scheme has disappeared from the Commission.

Mr. CARSON.—That may be an advantage.

17. Mr. Justice O'BARNES.—It is no advantage, I must say, but a great loss to the cause of education in this country.

Mr. CARSON.—At the same time, it is, of course, an advantage to me that one of the Commissioners who decided against me is away. There is no reflection upon him in that, although I understand that originally he agreed with the view of Lord Justice Neish.

18. Mr. Justice O'BARNES.—What is the use of going into these matters? One of the former Commissioners is gone; and another is dead. You have the present Commissioners here before you—argue the matter with them.

Mr. CARSON.—I will endeavour to do so. Now, the first and broad question that I argue on behalf of the Governors is, that having regard to what we are able to ascertain were the founder's intentions, this is a Protestant institution. If I succeed in convincing you of that, the other is a narrower question, namely, whether the Governors ought to belong to one Protestant sect only, namely, the Disestablished Church. If you are against me on the question as between Protestant and Catholic, you must, *a fortiori*, be against me on the other question. Therefore, I think the most important question is the question of Roman Catholic and Protestant. Now I apprehend the real way in which the question, having regard to the section of the Act of Parliament which says you are to have regard to the spirit of the founder's intentions, is to argue it as if it were a Scheme coming before the Court of Chancery, because all the cases lay down that the founder's intentions are to guide, and always have guided, the Court of Chancery in regulating a scheme. There are numerous settled rules of construction which regulate such cases as this. In many cases the Court has nothing to guide it, except the religion of the founder; and it has been laid down, over and over again, in cases where, under the documents creating the foundation, nothing but secular education has been indicated, that even the religion of the founder, in the absence of anything else, will be sufficient indication of intention. There has been an idea in the minds of some of the counsel who have argued the case on former occasions, and also on the part of some of the Commissioners, that it is necessary that you should have something on the face of the documents creating an educational charity, indicating that attached to the education, there was to be a religion of a particular class. I will argue the matter in the way most against myself, because I will contend strongly that, upon the documents in this case, there is that indication. I only say that it is an erroneous view that you should have, upon the face of the documents, something indicating the religion that was to be attached to the education. You are entitled to look at every act, every scrap of writing, every declaration outside the deed—you are entitled to look at the whole course of the life of the founder, and if necessary, for the purpose of ascertaining his intentions, with the view of seeing whether the charity is to be Protestant, Catholic, or otherwise, you are bound to see what the religion of the founder was. The whole course of his conduct, his writings, and his religion are to be taken into consideration if you can find nothing upon the face of the documents to ascertain his original intention. There can be no more fallacious method of attempting to get at the view the original founder had, than to say, as Dr. Molley (with great respect to him) has said in his report—

"I feel satisfied that Erasmus Smith (he was now

living), would far rather give effect to 'the growing ardent desire he had, that the poor children inhabiting upon his lands in Ireland should be brought up in the fear of God and in good literature,' than by enforcing a religious test, which has proved so fruitful, exclude all those children, for ever, from the benefit of his Endowment." I will show you, on authority, that that is not the way in which the master should be considered; that the question is not what, at the present time, after the lapse of two or three centuries, the founder might be supposed to do, if he were now to consider the matter. The question is, not what his wish would now be, but what his wish then was; and in order to arrive at that, the only safe guide, if you have nothing on the documents themselves, is to look at the course of his life, to what religious persuasion he belonged, and whether he has given any indication of what his views were likely to be, if his was to express them on the face of the deed; and if you are able to gather his intention in that way, you are bound to give effect to it, because you have what may be reasonably presumed to have been the intention, *quoad religionem*, of the founder.

19. Monsieur MOULIN.—The case to which I referred was, where the founder has expressed two intentions, which are afterwards found to be inconsistent with each other; then I say the question arises, which of these two intentions was predominant in his mind?

Mr. CARSON.—The fallacy which lies at the root of that argument is that of supposing that if a man says "I desire to educate a certain class of persons, provided they conform to the Protestant religion," there are two inconsistent objects. His object is one object—to hold out that inducement to them to adopt that religion.

20. Lord Justice FITZGERALD.—The question is, a very important one—what is the intention of which we have evidence? Is it an intention to educate the children of tenants, provided they become Protestants, or is it an intention to educate the children of the tenants as Protestants? The latter would be an mixed intention part of which had become impossible. Of course you are entitled to rely on the Chancery cases, some of which Lord Justice Neish and I have considered. But you must also bear in mind that we are existing under a special Act of Parliament; and at that point there are cases on which we should like to have your assistance. In England there is a Commission very analogous to ours, and the Scheme goes, or objection, before the Privy Council; by reason of that having, in England, a Judicial Committee of the Privy Council, which in Ireland we have not, these cases have got into the authorised reports, and judgments have been delivered by Lord Selborne and our judges, which throw light upon the hearing of Chancery decisions upon the exercise of special jurisdictions. One important case is reported in 5th H.L., upon the exercise of special jurisdiction under Benefit Act; and it was decided there that it should be exercised identically in the same way as the Chancery jurisdiction. The same question has turned up in other cases on Schemes of the Endowed School Commissioners and Charity Commission. I should be glad if you notice these cases.

Mr. CARSON.—I will. I observed these cases, and saw that they were of a good deal of importance. The next principle which seems to regulate the mode of arriving at a founder's intentions is to see what was done contemporaneously with the document. If we give the go-by entirely to contemporaneous history, in the construction of these documents, it would, in many cases, be impossible to conceive what the founders had in their minds when the documents were executed. In all cases you will find that, when there is nothing at variance between the contemporaneous construction put upon the document, and the document, that is, between the mode precisely adopted in carrying out the Scheme, and the Scheme

self, that is, as an element in coming to the conclusion that the contemporaneous construction was the true one. That stands to common sense, especially in such a case as the present there, who, at that time, had the carrying out of the intention, knew the condition of things at the time, they were aware of the various steps made to Protestantise the country, they knew the character of Erasmus Smith, and how far he would allow them to go in the exercise of their trust. He set them, if they went outside the trust, to compel them to keep within it; and, therefore, nothing can be more important, in a case of this kind, than to see what, from time to time, has been done under the test. I submit that all along, as far as the evidence goes, from the time the Scheme became workable, it has been conducted as a Protestant foundation, under Protestant governors, with the limitations laid down by Erasmus Smith, not excluding from the schools any class of tenants, but compelling those tenants if they wished to take the benefits of the Schools, to conform in certain ways to such formulæ as would practically compel them to adopt the Protestant religion. You will find one case in this country, which seems a most excellent authority upon all these different modes of getting at founders' intentions, a case which is, I think, much stronger than the present one. It is a case of the highest authority, decided by Sir Edward Sullivan in 1870, the Attorney-General v. Bishop of Limerick and others, that is the Bally Charity case, Irish Reports, 5th Equity, page 421. The head note in this is—

"In the absence of express directions, the particular details of the religious instruction to be given is a duty school may be inferred from incidental expressions and acts and regulations prescribed by the will of the founder, and early and long usage, if consistent with the extent of endowment, ought to have great weight in determining the question of what instruction."

Nothing can be more important than that case, in which the date of the endowment was very near the time of the present endowment. In that case, Dr. Jeremy Hall, by his will in 1687, devised a house in Limerick, partly for an almshouse for aged men and women, and partly for schools for poor boys and poor girls, and expressed his intention, if he lived, to add to the house a chapel, and devote thereto £20, left to his hospital by the will of a clergyman of the Church of England. He gave certain annual sums for the support of the inmates of the almshouse and the school, and directed certain books to be bought, and handed every boy and girl, when leaving the school, "to give a copy of 'The Whole Duty of Man,' or some other of the books of devotion which he desired; but as long as the scholars were in the school there was no direction that any particular religion was to be taught. There was no direction that my particular prayers were to be said, nor any reference as to the religion of the children who went to the schools. It was urged by Mr. O'Hagan that the different books mentioned were such as Roman Catholics might not object to be presented with a copy of; and he dwelt strongly on the fact, which seems to have been dwelt upon in the present case in order to induce you to come to the conclusion that the object of Erasmus Smith was that the instruction should be secular; that there was no direction that any religion at all was to be taught in the schools; the only evidence being that certain books were to be presented to the scholars on leaving the institution. Mr. LeFroy argued the case on behalf of the Bishop of Limerick; and his argument was, to a great extent, but which I would submit in the present case, that, is the absence of other evidence, in the case of an institution founded and endowed by a Protestant, the Court should have regard to the religion of the founder. That is, I apprehend, a proposition which cannot be disposed by any lawyer. The persons appointed in that case to be the original managers of the institu-

tion were certain dignitaries of the Established Church, and the Mayor and Sheriff of Limerick. It turned out that, at that time, the Mayor and Sheriff happened to be Roman Catholics, and it was argued that they were put in as representative persons, and that there was no objection taken to the fact of their being Roman Catholics. Of course that makes the present case all the stronger. It was argued that the works prescribed for the use of the schools were all of a Protestant character. That contemporaneous usage might be resorted to in ascertaining the intentions of the testator appeared from Shore v. Wilson. The religion of the founder, and the character of the works prescribed for the use of the schools, the usage from the foundation of the charity, down to the year 1834, of appointing a paid chaplain for the institution, all concurred in stamping a Protestant character upon the charity. He then went into the question of the inconvenience of the managers of a charity being of a different religion from the beneficiaries of it, as being a sufficient reason for their removal; and he cited two cases, to one of which I will call attention before I sit down; but I do not think that, if you come to the conclusion that the intention of Erasmus Smith was to create a Protestant institution, this Commission, in framing a Scheme for the carrying of that intention, would insist on putting on the Board persons of a different religious persuasion, the effect of which might be that conflicts might arise in future times detrimental to the working of the charity. Now, in giving judgment in that case, Sir Edward Sullivan, after going through the various arguments, says—

"The nature of all these books being, I think, clear beyond controversy, I think it would be a strange presumption to make that although the testator directed such scholars, when leaving the school, to be presented with some one of the books, he intended that the education in the schools should be strict as to the nature of these books, and the contents of them. It appears to me far more reasonable to think that the testator must have assumed that the instruction they should receive should fit them for reading and understanding those very books, and if he did, he must have intended that they should be taught the doctrine of the Church of England. It is true that he has not, in express terms, and that this should be done, but it is clear to me, on the language of the will, that he has indicated this very course of instruction in as strong and binding a manner as if he had stated it by the most direct and absolute injunction. A judge, sitting here, in the case of a Protestant, as well as any other charity, has a paramount duty to discharge,—to endeavor to discover the intentions of the testator; and if the court is satisfied that he intended that there should be teaching of a religious character in the institution, it is bound to carry it out regardless of the way such intention may work."

That is the proposition I submit here. I submit that you are bound to carry out the founder's intention, regardless how that intention may work. I am glad to be able to say that, in the present case it seems to have worked exceedingly well; but even if it did not, still I say the court would be bound to carry it out. Sir Edward Sullivan proceeds—

"Lord Hatherly, in the case of the Chelmsford Grammar Schools, truly says, 'This court is restrained (and it is a satisfaction to be so) by fixed rules, which render the court itself insensible to personal feeling on the subject, and which enable it to administer justice, whether they be of a Wesleyan, Independent, Roman Catholic, or, now, of a Jewish institution, with the same strict regard to settled rules as exact regulate it in the administration of trusts of any other species of property.' It has been much pressed upon me that this is a virtual exclusion of Roman Catholic children from the school."

I may mention that in that case the children were allowed to enter the schools without any test, but the education proposed to be given included instruction in Protestant books. He says—

"I quite concur in this view, for although I do not think that the religion of a child can be any condition of its entrance or admission to this school, it is plain that Roman Catholics are excluded from the school."

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Catholic children, intended to be raised in that faith, should no more attend a school in which the doctrine of the Church of England is part of the daily education, than a Protestant child should attend a school where the doctrines of the Roman Catholic Church were to be similarly taught. In the view I have taken of the will of the testator, I am strongly confirmed by the documents which turned up during the progress of the case, and which are in evidence. By these documents, going back a considerable way in the past century, it clearly appears that a chaplain was put down and paid as a regular officer of the establishment. The first document is a Rental of the Charity from Michaelmas, 1732 to 1733. The will, it will be remembered, was made in 1687. In the account of the disbursements in this item : 'September 29, 1732, paid seven quarters salary to the steward, the chaplain, the schoolmaster and schoolmistress, and to sixteen men and women, at £31 5s. a quarter.—£316 13s.' That would take us back to 1732, so that the Charity at that period paid a clergyman as one of the officers of the establishment. In the list of payments for 1733 I find these items : 'To the steward, £18, to the chaplain, £10, the schoolmaster, £10, the schoolmistress, £10, and poor men and women, £50.' There is also a very ancient document headed, 'An order for the 20th April, 1761, per Michael Nickens, Esq., trustee.' It states that 'the establishment, at Michaelmas, 1761, was as follows : No. 1, the Rev. James Ingram, chaplain, £6.' The almost contemporaneous 'History of Limerick,' referred to at both sides during the argument, describes the Charity as Protestant. This was, perfectly consistent with the will itself, in, I think, of great importance, as showing that the view I have taken is correct, which view I was strongly inclined to adopt before I had seen these documents.'

The reason I dwell so much upon that, in the present case, is that it seems to me to have been very much pressed, when this matter was on for argument before, that although everything that was done in the case of this institution was done under the second Charter of Charles the Second, and the subsequent Acts of Parliament of George the Second and William the Fourth, carried on behalf of the Governors were sought to be met by two or three sentences in the Deed of 1687, as if that was the real document founding the institution; and it was said "why didn't he state this?" and "why didn't he state that?" in that Deed. Our argument has, all through, been based upon the Charter, which is the real foundation of the charity, because I will show you that nothing was done under the Deed of 1687, and that there was practically a reversion of the property to Erasmus Smith, by reason of the Deed not having been noted on and a Charter obtained within the time mentioned in it. The Charter that was afterwards obtained gives the go-by to the Deed of 1687, and the Act of Parliament also gives the go-by to it. But, notwithstanding all that, and although all the cases show that the way to arrive at the intention is not to pin yourself to any one single document, but that you are to look at all the documents in the case, the entire argument at the other side goes back on this Deed of 1687, they are continually harping back upon it, because it is undoubtedly the most ambiguous document in the case. That was not the mode of construction adopted in the case of the Attorney-General v. the Bishop of Limerick. Sir Edward Sullivan based his judgment on every document he could get in relation to the charity, and laid stress upon what had been done in 1732, the charity itself having commenced in 1689. I care not what cases are referred to on this question of intention. Every one of them is in our favour. I defy any person who supports the Draft Scheme as admitting Roman Catholics to show me one single case, either in England or Ireland, which can in any way lead to the conclusion that as a matter of construction, you ought to infer that it was the founder's intention to have a mixed Governing Body, as is proposed to be done by the Scheme here. The case of the Attorney-General v. Bishop of Limerick appears to me to be one of great importance, because it is so very like the present case. There was no test of admission in the document creating the foundation; and it might just as well have been said there as here, that the primary object

was education. The only object indicated was education. There was no evidence of any other object, except the founder's religion, the character of the books which he directed to be given to the scholars after they left the institution, and the way that had grown up after the deed, so that it might just as well have been said there as here, that the object was secular education.

21. Monsignore MOTOT.—What is said here is the primary object of the founder was the education of the children of the tenants on his estates.

Mr. COXON.—The primary object in the other was the education of the people of Limerick. I cannot discriminate between two objects when we prevent the other. If a man says "I will give £100 a year for education, but the only persons I will let it to are such as will conform to the Protestant or Roman Catholic religion," how can you segregate part of his object from the other? If you do you are going against his intention. If a man says "I will give £100 for education, in order that I may proselytise Catholics or Protestants," if you divide the intention, and give the £100 without requiring them to be Catholics or Protestants, you defeat his intention, because, instead of proselytising them, you abolish religion from which he wanted to proselytise them. The moment you allow children to come in, without requiring them to conform to the intention of the founder—which is an invention that may or may not command itself to your mind—what you do is the although there was, at all events, a secondary intent to proselytise the children, you give the go-by to a secondary intention, and so far from proselytising them you in fact pay them for not being proselytised. That, in reality, what it comes to. The case of the Attorney-General v. Bishop of Limerick was a case in which there were no restrictions put upon the children who were to be admitted to the schools, there was nothing on the face of the will, showing an intention to give anything but secular education, except what could be gathered from the fact that these books were to be given to the children when they had completed their education, and that they were of a Protestant nature. If I am right in my contention that this is the proper way to construe these documents, if I am right in saying that this is the proper way to arrive at the intention of the founder, then I will show you overwhelmingly, upon the documents and facts in the case, that there is not only a clear inference to be drawn as to Erasmus Smith's intention, but also indication of what was his object in founding the institution. Let me now examine these documents, and if I take time in going through them, I do so to remember that this is a matter which really excites a good deal of feeling, and is on both sides regarded as of vital importance. The Governors have carried on this as a Protestant institution, it is strongly that in the proposed diversion of this party from the way in which it has been administered a wrong will be done to the Protestants of Ireland whom they believe this money was originally given for the purpose of promoting their religion. That document was the Deed of 1687. This document seems to have been relied on as the most important in the argument at the other side, but to me it seems to be the document of least importance. In its place, it was framed during the Commonwealth, when the Established Church was set at nought by the arbitrary will of that great man who usurped the British crown. But though he dealt with the English Church in the most arbitrary fashion, it is to be remembered that he never concerned himself about disestablishing or dislocating the Irish Church, or doing anything with regard to it.

22. Mr. Justice O'HANLON.—He took a shorter view in this country : he shut them down ; there was no room for disestablishing.

Mr. COXON.—In considering anything that is done under the Old Commission Bill, there is always

Dr. Sykes's "History of the Church" which is very correct. He says:—

"Whatever was done under the Commonwealth, in relation to the Irish Church, was regarded as a mere exercise of arbitrary will, of no force or effect when the usurped authority had passed away."

Brother, I say that this document of 1657, three years before the Restoration, is at the least valid in the case. You had then in Ireland a serious state of things. You had an Established Church, which had in 1636 practically adopted the 39 articles of the Church of England, and to a certain extent, therefore, been united with the Church of England. You had, under the Protector, an Established Church, not established, but given the go-by to, and three years after this Deed, in 1660, when Charles the Second sat to the throne, you had the original Established Church acknowledged and admitted as the Church of Ireland. The Charter was subsequent to that Deed. It, as well as the other documents, must be considered in reference to the existing state of things at the time, and there are numerous cases decided that when you consider the effect of these old endowments, if you find an Established Church, you must come to the conclusion, whenever is something to show a contrary intention, that the object of the founder of such a charitable and educational institution as this was for the purpose of helping the work of the Church. A great deal of argument upon the last occasion seemed to go in the contrary direction, and they seemed to say "What you see on the face of the instrument that distinction was to be according to the Established Church, you should conclude that he did not mean it to be according to the Established Church." I think that the very opposite is the true way that the matter ought to be considered. That is of great importance in relation to the second branch of the question, whether other branches of the Protestant religion are to be allowed on the Governing Body. The real way to look at it is, not to see whether on the face of the Deed, Erasmus Smith thought it necessary to express an intention that the teaching was to be in accordance with the Established Church, but whether he has expressed an intention to the contrary. If such there was not, as I shall show you that there is, some expression of intention that the teaching should be in accordance with the Established Church, I say that if there is an Established Church, although in the Deed he says nothing about it, you should assume that he meant the institution to be carried out in accordance with it. In the Deed of 1657, there is surely nothing the other way. All the original grantees were Protestants, and you will see, in a case with I shall presently cite, that great stress was laid upon that. Of course it may be said that at that time none but Protestants were allowed to be grooms. That was one of the arguments used on a former occasion, when this case was argued before you, but Dr. Cromwell had found that any of the grantees were Roman Catholics, he would have forbidden it.

Mr. Justice O'BRIEN.—He would have made an example of them.

Mr. CARSON.—Perhaps so; but it occurs to me to be a ridiculous argument to found upon that, that because you are not to attack any weight to the rights of the grantees; because, after all, there was no obligation upon Erasmus Smith to give his property to any person, and if he was astounded, in a condition of things which only allowed him to make a gift to Protestants, voluntarily to give his property in that way, surely, instead of saying there is no argument to be founded upon that, it is the strongest argument you could have. Erasmus Smith says to himself—"The Government insist upon nones but Protestant foundations; I am free either to give my money or to withhold it; I will give my money to a Protestant foundation." What stronger evidence can there be of intention to establish a Protestant foundation. It was a voluntary act upon his part, and to found

an argument that there is no evidence of intention, because at that time no one but Protestants could be grooms, appears to be based on the assumption that there was an obligation upon Erasmus Smith to benefit Protestantism against his will, when he would rather have benefited the Roman Catholic, or some other religion. You have the fact that every one of the grantees in this Deed were Protestants. Next, you have the recital of "the great and ancient desire which he hath that the poor children inhabiting upon any part of his lands in Ireland, as heretofore in and by these presents it expressed, should be brought up in the fear of God and good literature, and to speak the English tongue." That is the only indication of religion. I will show you, in a case in the House of Lords, that similar words to those, "in the fear of God," must be deemed the fear of God, having regard to the then state of the times.

24. Mr. Justice O'BRIEN.—There is a letter of Oliver Cromwell's, in which he tells one of his followers to "bring up his children in the fear of God, and to keep his powder dry."

Mr. CARSON.—I submit that those words, "in the fear of God" express the intention that the children should be brought up in some religion; and that, when you find an intention that they should be brought up in some religion, and no particular religion specified, you must assume that he means the religion which was the State religion at the time—namely, the Established Church. In Baker v. Lee, 6th Clark's House of Lords Cases, page 195, a school was founded at Ilminster, in the reign of Edward the Sixth, for the teaching of "literature and godly learning," or as it was elsewhere expressed in the deed, "godly learning and knowledge." I do not think there was any more efficacy in those words than in the words we have here, "in the fear of God." The deed in that case went on to direct that if, upon taking the accounts, in the October of each year, there should be, after providing for this purpose, any surplus, then the trust expressly was for repairing the highways, bridges, and watercourses of the parish. When the trustees were reduced to four they were to make up the number to 20 by appointing "other honest persons of the said parish of Ilminster." The only indication of the class of persons whom he wished to be his trustees was that they were to be "honest persons;" and I don't believe any particular sect of Protestants claim to be more honest than another. It appeared that for a period of 156 years Dissenters had been admitted with Churchmen to the management of the trust. The Master of the Rolls held that Dissenters, as such, were not excluded from being appointed trustees; but the Lord Justices reversed that decision, and declared that Dissenters ought not to be appointed. On appeal to the House of Lords, their lordships being equally divided, the order of the Lord Justices was affirmed. On reading the report, however, it will be seen that the division of opinion in the House of Lords was only with regard to the second branch of the trust, that for repairing highways, and that as far as the first branch of the trust was concerned, their lordships held that, although there was no further indication as to intention than that the teaching was to be "in literature and godly learning," or, as elsewhere expressed, "godly learning and knowledge," and that the trustees were to be "honest persons of the parish of Ilminster," still, having regard to the state of the law as it then existed, none but persons who were members of the Church of England could be appointed trustees, and the decision of the Lord Justices was affirmed.

25. Mr. Justice O'BRIEN.—That decision would lead you to a conclusion in which you should part company with Mr. Dodd's clients.

Mr. CARSON.—That is one of the reasons I argue that the Deed of 1657 is not one of the instruments creating this foundation, and that it was superseded by the subsequent instruments; because I submit that,

Dec 18, 1882.

If the Deed of 1657 is out of the way Mr. Dodd's clients have not a word to say here.

26. Yes; but the Catechism of the Assembly of Divines is an ugly obstacle in your way.

Mr. Carson.—Except for this, that the moment Cromwell was got rid of, Erasmus Smith got rid of that Catechism, and substituted that of Archbishop Usher.

27. No, he did not put in Usher's Catechism; he uses a remarkable expression, "that his Majesty had commanded that Catechism to be used."

Mr. Carson.—If you look at the rules which Erasmus Smith himself drew up, I think you will see the reason why he went in for Usher's Catechism.

28. Lord Justice FitzGibbon.—We had better keep out of Usher's Catechism till you come to it. In the deed you are at present dealing with, he directed the Assembly of Divines Catechism. There is an interesting Irish case bearing on this point. The Unitarians seceded from the Presbyterians, and kept some property which had been left for Presbyterians; in *Drummond v. Attorney-General*, 2nd Clark's House of Lords Cases, you will find a decision, affirming Lord St. Leonard's, that in departing from the Trinitarians they could not be "Protestant Dissenters" within the meaning of the trust. As I understand the decision it was that the term "Protestant Dissenters" was to be interpreted by its meaning at the time of the creation of the trust, and that, inasmuch as Unitarians did not then exist, they could not, on changing their views, claim any longer to hold Protestant dissenting opinions within the deed, and the House of Lords held that they could not.

Mr. Carson.—That would be a strong decision in my favour, in arguing on the effect of the Act of Uniformity, on another branch of the case.

29. I don't say that it is altogether in your favour, as between you and other Protestants, because the House of Lords held they were bound to see whether the people who professed those opinions came within the intentions of the original founder. I don't say that Erasmus Smith would have regarded persons professing the opinions of the Westminster Catechism as being out of the charity.

Mr. Carson.—Except for his own act in changing it.

30. You will have to consider, in due time, why and how he changed it.

Mr. Carson.—I was citing Baker & Lee upon the effect of the words of the deed.

31. And *Drummond v. Attorney-General* is an authority that you must consider what was the meaning of the words at the date of the instrument.

Mr. Carson.—That is also laid down in another case of great authority, the *Attorney-General v. Sherborne Grammar School*, 18th Beswicke, page 255. The decision there was—

"This Court has a further power and authority when the objects contemplated by the founder cannot be carried into effect, to direct the application of the revenues of the charity to promote objects in accordance with the spirit of the original foundation, the actual compliance with which has become impossible."

I quote the next ruling in that case, with great respect to Dr. Molloy—

"But it has no authority to vary the original foundation, and to apply the Charity estates in a manner which it considers to be more beneficial to the public, or even such as the court may suppose that the founder would himself have contemplated, could he have foreseen the changes which have taken place by the lapse of time."

32. Mr. Sargeant Mallett.—Yes, but the passage you quoted from my memorandum was based upon the clearly expressed intention of the founder that the endowment should be applied for the education of the children of his tenants. I do not propose to apply the endowment to any other object, but simply to carry out this intention as far as possible. A difficulty arises from the fact that the founder had

another intention, namely, that the children who were the objects of his bounty should be brought up as Presbyterians; and it being found impossible to carry out both intentions, we have to consider which of them is to be regarded as paramount.

Mr. Carson.—I have already endeavoured to show the Commission what the result would be if you give the go-by and decline to carry out the second branch of the intention which you admit existed. The result would be that you would give the money, which the founder intended to be used for proselytising the children of tenants, to assist those who refused to be proselytised. The next passage of the Deed of 1657 to which I shall call attention is the trust,

"To the intent and purpose that out of the rents issues and profits of the premises the said trustees shall lay aside, and the survivors or survivor of them and his heirs defend the charge of passing an Act of Parliament for the scilling of the said lands and premises or otherwise to obtain leases from His Highness the Lord Protector under the Great Seal of England for incorporating themselves in succession and to retain the said lands and premises to them and their successors, notwithstanding the Statute of Mortmain, to the uses hereafter to be expressed. And after such Act shall be passed or licence obtained as aforesaid and also before the intent that out of the annual rents of the premises the said trustees and the survivors or survivor of them and his heirs or the said Corporation and their successors shall cause five school houses for the teaching of grammar and the original tongue, and to read, write, and cast accounts, to be built in the places following."

That is stated in the memorandum, and I think rightly, to mean five Grammar Schools. A good deal was said on previous occasions—it has been mostly Lord Justice FitzGibbon—but some members of the Commission appear to have been struck with the idea that what Erasmus Smith had in his mind was Primary education. I will show you, on authority, that the term "Grammar School," or "school for the teaching of Grammar," has a well-known and defined meaning, not at all Primary education, but what we would call "Intermediate education," including instruction in Latin, Greek, and other subjects which the children of poorer classes of tenants would probably not go in for at all; you will also find there's nothing inconsistent in the institution of these Grammar Schools with pupils being also taken at a stipend. That has been laid down in case after case, to one of which I shall presently call attention, because there was some criticism on the last occasion founded on the fact that the Head Masters of the Grammar Schools were allowed to take stipends from sons of the boys.

33. Dr. TRAILL.—Erasmus Smith himself provides for that.

Mr. Carson.—Yes; but I am now arguing the matter apart from his provision, that there is nothing inconsistent in that. The fact of these Schools being "for the teaching of grammar and the original tongue" so far from proving that the intention of the founder was Primary education, proves directly the contrary. He meant "Grammar Schools," an expression which had, at that time, and still has, well-known signification, not at all meaning Primary schools, but Intermediate schools. The next important part of the Deed of 1657 is this:

"The intention of all parties to these presents is that the children of poor tenants inhabiting on the lands aforesaid and the children of such men as poor and live by their labour are to be taught at the said Schools free and without paying anything for their teaching to the said Masters. And that each of the said tenants on the said lands their children as shall be made fit for the University or Trinity College near Dublin shall have out of the remainder of the said rents and profits of the said premises (so far as they will reach) the lesser charge first discharged the sum of £10 by the year for each of the said children to stand for the first four years that such person shall be admitted into the said Colleges of Dublin."

No, no stress has been laid upon the fact that Trinity College, up to 1792, was an exclusively Protestant institution, into which Roman Catholics were not admitted.

34. Mr. Justice O'BANER.—With one short interval, during which it was managed by a priest as provost.

Mr. CARTON.—When was that, my lord?

35. Immediately before 1692; and it was better managed than ever before or since.

Mr. CARTON.—I must leave Dr. TRAILL to deal with your lordship on that. Now, you have there, on the face of the Deed quite sufficient of itself to indicate the intentions of the founder, and therefore, if it were necessary to refer to that Deed, it supports my contention in two ways: first, that the schools he intended were Grammar Schools; and, secondly, that the foundation he meant to establish was a Protestant foundation. By the statutes regulating Trinity College, no Roman Catholic could be admitted up to 1792, when an Act was passed expressly admitting them, so nomine. At the time Erasmus Smith lived it was an exclusively Protestant institution; and you will find, as we go along in the history, that the vast bulk of the increased rents and profits of the foundation, which is what we are chiefly dealing with here, and not the small traces of the Deed of 1657, you will see that according as he contemplated the large increase in the income to be derived from his estates, more and more goes on to dedicate it, not to schools of a mixed nature, not to primary education, no, but it was to Trinity College he dedicated the increase, and in each of the subsequent documents, and in the Act of Parliament to which I shall afterwards refer, Trinity College was the institution to be benefited; and I ask you in considering the whole of these documents not to leave out of consideration the fact that up to the end of every document material in the case, Trinity College was an exclusively Protestant institution—more than exclusively Protestant, because entirely Episcopalian; and on the second branch of my argument, in which I shall come into conflict with Mr. DODD, that will also be material—Trinity College was not only an exclusively Protestant institution, but was an Episcopalian institution. Now, the next matter to which I have to call your attention in this Deed of 1657 is with reference to the Schoolmasters; and if there is anybody here to represent Roman Catholic interests, he ought to be able to give us some assurance to lead you to hold that there is no expression of opinion in this Deed that this was to be a Protestant foundation, in the face of what I am now going to read:

"It is further by these presents declared to be the intention of all parties thereto that the said Schoolmasters to be settled as aforesaid to be obliged twice every day to pray with such scholars as he or they shall respectively teach. And that he or they shall punish each of the said scholars as far as to time shall (without good cause) be absent from the said exercise of prayer. And that the mid School masters respectively shall likewise catechise his or their said scholars once every week on some week-day in the Catechism published and set forth by the Assembly of Divines."

Mr. DODD may found an argument on the direction to use the catechism of the Assembly of Divines; but what argument can Mr. CARTON, who appeared for the Roman Catholic body on the last occasion, found on that passage?

36. Mr. Justice O'BANER.—Mr. CARTON is not here. Mr. CARTON.—No, but the fact that he is not here does not dispense with the necessity of an answer to my question. Whatever may be said as to the Obedience of the Assembly of Divines being anti-Episcopalian, and I grant that it is so, because the object of it was to put an end to the Episcopalian form of church government for the time being—

37. Dr. TRAILL.—Archbishop Usher was one of the Assembly of Divines at Westminster.

Mr. CARTON.—I think he was acting against his own views in that. Printed image digitised by the University of Southampton Library Digitisation Unit

38. Mr. Justice O'BANER.—There is a current tradition that he changed his views upon other subjects more than once. There is a great ambiguity in some of his writings; and undoubtedly he was challenged severely for entertaining views which were said to be contrary to the essence of the Protestant religion.

Mr. CARTON.—I know he was, but still he continued a Bishop of the Church, and of a Church which had, amongst its articles, framed by himself in conjunction with others, one specially aimed against Dissenters and others who would not conform to the Irish Church. Now, let me read the rest of the passage in this Deed:

"And shall also every Lord's day catechise them or some of them in the presence of the rest and expound to them the said Catechism or some part thereof which he shall publicly as well for the benefit of the said scholars as for the instruction of all others as shall desire to be present at that exercise in the school houses or in the church, and that the said Schoolmasters respectively shall be bound to observe such other instruction as the said Trustees their heirs or assigns or Corporation shall enjoin him or them for the better ordering and managing of the said school or schools during his or their continuance therein."

Is there no indication on the face of that of the founder's intentions, within the meaning of this Act of Parliament? The only other provision I need call attention to is this:

"Provided always that if the parties by these presents their heirs or assigns shall not within the space of seven years next ensuing the date hereof procure a license to be granted under His Highness's Great Seal of England to erect procure an Act of Parliament to be made for incorporating of themselves to be a Corporation, in perpetual succession and capable to retain the lands and premises to them and their successors to the uses aforesaid; that then it shall be lawful for the said Erasmus Smith and his heirs into all and singular the premises to re-enter, and the same to have again and repossess as in his former right anything in these presents contained to the contrary in anywise notwithstanding."

As a matter of fact, no such Act of Parliament or Charter was obtained within the seven years, because the next documents are the Letters Patent of 2nd November, 1667, after the Restoration; which were letters patent granted to the trustees until a corporation should be established to carry out the trusts. In those Letters Patent we have again the same indication of intention to benefit the Protestant religion. Therein, first, a direction to pay to the governors of Christ's Hospital, London, the annual sum of £100. It has never been disputed that Christ's Hospital, London, was a purely Protestant foundation. In that, therefore, you have a purely Protestant object. Next you have a direction to apply one-fourth of the remainder of the rents and profits of the lands in placing children as apprentices to Protestant masters in Ireland. It certainly would be a strange thing, if he intended to create a mixed endowment, as is contended for here, that the only persons who were to have the benefit of this one-fourth part of the remainder of the rents and profits were to be such as would be willing to go as apprentices to Protestant masters. Thirdly, you have an increase in the endowment to Trinity College. There is a direction to employ the residue of the mid rents and profits in pensions or exhibitions to such poor scholars, to be educated in the said Schools, as shall become students in Trinity College, Dublin, and for want of such poor scholars, to other poor scholars in the University or College aforesaid, a preference to be given to the children of poor inhabitants on the lands of Erasmus Smith. To this exclusively Protestant institution, the University of Dublin, those persons were to go in order to get the exhibitions. You therefore see that he contemplates that the children on his own lands should accept the Protestant teaching to be given in the Schools, and that such of them as were fitted for it should eventually go to the University as an exclusively Protestant institution.

Therefore, out of five objects expressed in this patent, three are exclusively Protestant, and indicate that the institution was intended to be carried on in no other way than in the way in which it has been carried on, namely, as an exclusively Protestant institution. The next document is the all-important one in the case, the Charter of 1667. Up to the granting of this Charter nothing had been done to carry out the charity. That may have been because things in Ireland were very unsettled, but however that may have been, I gather that nothing was done, for originally contemplated five Schools, but when the Charter came to be granted, after refuting Erasmus Smith's intentions to found the Schools, it empowers him to erect three Schools, thereby showing that nothing had yet been done under the Deed prior to the Charter.

39. Mr. Justice O'BRIEN.—You will find a reference in the Charter to the Act of Settlement, and there is an express reference in the Act of Settlement to a contest between Erasmus Smith and a person named Stephen; so that at that time the right to the property itself was in dispute, and that is the explanation of it probably.

Mr. CORSEN.—Possibly so, my lord; and the fact of the contest between Erasmus Smith and this gentleman shows that it was still looked upon as Erasmus Smith's property, and not that of the Trustees, so far as I can see, and the recital in the Charter bears me out, nothing was done with respect to the charity prior to the Charter.

40. Lord Justice FIRTH-GUNNISON.—Nothing was done with reference to the charity, but the property was vested in the Trustees, and the Charter treats it as having been already appropriated to the purposes of the charity.

Mr. CORSEN.—Yes; all I say is that nothing was done towards carrying out the objects of the trust until after the Charter of Charles the Second. Now, that Charter, which was granted on the petition of Erasmus Smith himself, recites that he "did, heretofore, intend to erect five Grammar Schools," plainly showing that up to that time he had not erected them. It then recites that he had thought fit to reduce them to three; and then it goes on to convey the lands to the Corporation, or directs the trustees to convey them to the Corporation, "to the uses and trusts therein mentioned, and to such further charitable uses and trusts as should be desired by the said Erasmus Smith." You must always remember that at this time they were dealing with property of the value of only about £300 a year; in fact there is a special provision in the Charter providing what should be done in case the income fell below £300 a year. You are now dealing with property the value of which is between £6,000 and £7,000 a year. The Charter then goes on to what I need not refer to, the appointment of Governors, except that the number of the Governors appointed is the same as were appointed by the Deed of 1657.

41. Lord Justice FIRTH-GUNNISON.—If anything turns on the position of the intervening Trustees, there is a recital in the Charter which may be of importance. It recites a petition of the Trustees to the Commissioners of Settlement, and the point of it is that they are treated as only Trustees for Erasmus Smith—that is to say, he was still the commanding authority in the whole affair, and they petitioned in his right and on his behalf.

Mr. CORSEN.—Yes, they petitioned to be confirmed in their title to the lands, and the Commissioners confirmed their title, and then Erasmus Smith presented his petition for a Charter, directing what was to be done with the charity.

42. Mr. Justice O'BRIEN.—If you look at the names in the Charter you will find they were not the same trustees as were appointed in the Deed.

Mr. CORSEN.—So, my lord, some of them were different; but they were all Churchmen, and that is the principal point. It was then manifestly a Church institution, and that is the principle which has ever since been carried out in the election of the Governors,

and is in force at the present time; and I submit that is the principle which ought still to be adopted, and that there is no reason why it should be departed from. Then there is a provision that if the revenue increase they are to be employed in the maintenance of more scholars. And now we come to a more important matter:

"And further, we have given and granted, and by these presents do give and grant, unto the said Erasmus Smith, during his life, by writing under his hand and seal, and to the said Governors and their successors, for the time being, or the major part of them, then next and succeeded for the purpose after his decease, under the said common seal, full power and authority to make, set down, and appoint such rules, statutes, and ordinances, for the rule, government and well ordering the said Schools, and the said Schoolmasters, Ushers, and Scholars, for the time being, as the said Erasmus Smith during his life, and after his death to the said Governors, and their successors for the time being, or the major part of them, as so afterwards amended, shall seem most convenient, and that the same orders, rules, statutes, acts, and ordinances, so by him, them, or any of them, to be made, set down and prescribed as aforesaid, shall be and stand in full force and effect in law, to all constitutions, institutes and purposed, so as the same be not repugnant to the prerogative royal, nor contrary to the laws and statutes of our said realms of Ireland, nor to any ecclesiastical cause or constitution of the Church of Ireland, which shall then be in force."

There was power of the widest kind given to Erasmus Smith to make rules, the only limitation being that they should not be repugnant to the royal prerogative, or to the ecclesiastical canons or constitutions of the Church of Ireland which should then be in force. Is that no indication of the founder's intention in founding this charity, when that limitation is put in the Charter which is practically the foundation of the whole charity? Before I call your attention to the rules which Erasmus Smith did lay down, I wish to direct attention to a subsequent passage of the Charter, showing how much force should be given to the rules he laid down. It is provided in the Charter

"that the said Governors, or their successors, shall not have power to make or appoint any laws, rules, statutes, acts, orders or ordinances, after the death of Erasmus Smith, that will make void, suspend or weaken the same laws, rules, statutes, acts, orders or ordinances contained by the said Erasmus Smith, or any branch or circumstance thereof, which creates, rules, statutes, acts and ordinances, are, and always shall remain and be in their full force and virtue, for the governing and ordering of the said schools and works of charity."

Can anything be conceived stronger than that, as showing whatever may be the effect of the Deed of 1657, that in 1667 it was left to Erasmus Smith himself to frame ordinances and rules, so long as they should not be inconsistent with the constitutions and canons of the Church of Ireland, and that those ordinances and rules were to be unalterable by the Governors after his death, but were to continue in full force for the governing of the schools for all time? Now let me call your attention to the rules which is framed. They are entitled—

"Laws and Directions given by Erasmus Smith, Esquire, under his hand and seal, for the better government and ordering the Public Schools lately founded and erected by him."

They continue—

"The Schools are founded as free Grammar Schools in behalf and for the benefit of the children of the tenants to the said Erasmus Smith, as also for the children of the tenants of this Corporation, together with the children of the inhabitants residing in and about the towns and places where those Schools are erected."

Then he gives directions as to the children, and the numbers of them; and he says—

"Those children are to be instructed and taught in the Latin, Greek, and Hebrew, according to their respective capacities, and fitted for the University if their parents or friends desire it; others of them to write and cipher, that they may be fit for dispensement to trades or other employments." Printed image digitised by the University of Southampton Library Digitisation Unit

Now, when it is said that the endowment was made for a different class of children from those who are educated in the Schools, you are met by this, under Erasmus Smith's own hand, he having the fullest power to make rules which were not to be altered after his death, the children were to be instructed in Latin, Greek, and Hebrew, and fitted for the Protestant University.

43. MONSEIGNEUR MOLLOY.—And "others of them to write and cipher, that they may be fit for dispositions to trade and other employments."

Mr. CORSON.—Certainly. There are further arrangements in relation to poor children, as clothing etc. they remain in the school, pensions for those that go to the University, and provision also for those that are bound apprentices,

"sons whereof are expressed in the Charter, all which will be dictated by the founder's appointment, when the revision comes to be more fully stated."

He expected at the time that there would be an increase in the revenues. Then come rules for the Schoolmasters and Ushers. He says:—

"There are to be admitted Schoolmasters of the said School, but such as are of the Protestant religion, and well known for their ability, industry, and good conversation. (2) The Schoolmaster, and in his absence the Usher, shall publicly every morning read a chapter out of the Canonical Scripture, and then pray, concluding at night also with prayer. This is to be done in the English tongue, that all may be assisted. They are to urge the children frequently to read the Scriptures; and at convenient times to require an account of what they read, according to their capacity, and that the masters of them be able readily to give an account how many books, and the order in which they stand, are the number of chapters in each book, both of the Old and New Testament. (3) The weakness of children is such, that many times variety of Catechisms confound their understandings, and the Lord Privy Seal Usher's Catechism being specially commended to these Schools in the Charter, the Masters are diligently and constantly to catechise them in that form: and on the Lord's day, before or after public worship, to expound the same or part thereof, as also at other convenient times."

Now, Privy Seal Usher's Catechism was prepared by him at the time they were framing the Articles of the Irish Church in 1618. A great point was made, on the last occasion, that because Usher's Catechism was directed by Erasmus Smith, he must have meant to admit Dissenters, because he had not prescribed the Catechism of the Established Church. The Catechism of Usher was used by the Irish Church when it became amalgamated with the English Church; and this being so, how can you deduce an argument in favour of Dissenters from the fact that he substituted for the Catechism of the Westminster Assembly (which was the one mentioned in the deed), the Catechism of Usher, which was then the Catechism in use in the Irish Church?

44. REV. DR. WILSON.—Usher's Catechism was before the Westminster Catechism, and the latter was, to some extent, framed on the model of the other.

Mr. CORSON.—That makes the argument stronger for me; as it shows that while the other Catechism was framed upon Usher's, he wished to take away the taint of Presbyterianism.

45. MR. JUSTICE O'BRIEN.—I think the real contention is, that Erasmus Smith changed the colour of his Catechism with the colour of the Government for the time being.

46. LORD JUSTICE FIRZGIBSON.—Then the question is, why did he not change the colour altogether, and adopt the Church Catechism.

Mr. CORSON.—Quite so; the Church Catechism would have been the one in accordance with the Government, and he did not go in accordance with the Government. I submit you can make nothing more of it than this, that Usher's is an Episcopal Catechism.

47. DR. TRAPPLER.—None of the Catechisms go into questions of Church government.

Mr. CORSON.—No; if you read Usher's Catechism, you will find it is nothing more than our own Catechism, put perhaps in a simpler form. There is nothing in either of them about Church government. I think the only argument to be deduced from it is, that by putting out the Westminster, and putting in Usher's Catechism, he meant to adopt an Episcopal Catechism, in preference to what I may call the Puritan Catechism. So far from it being against me, it is an argument entirely in favour of the view I put forward. At all events, Mr. Dodd and I can make common ground upon this, that it is not a Roman Catholic Catechism.

48. MR. JUSTICE O'BRIEN.—It does not give rise to any doubt, at all events, such as are supposed to arise from a multiplicity of Catechisms.

Mr. CORSON.—The seventh Rule is important; as bearing on the suggestion that these were to be Primary Schools. "That the children of the Grammar Schools, such as the masters judge fit, or in any measure able, do exercise themselves in a constant speaking of Latin with the Master, as there is occasion, and out of another."

49. LORD JUSTICE FIRZGIBSON.—If, on comparing the three Catechisms, the Westminster, Usher's, and the Church Catechism of that date, there is anything indicating any reason for preferring one to another, from the point of view of all Protestants, as against Church Protestants, I shall be glad to be referred to it. The argument on former occasions was that the selection of Usher's Catechism indicated a desire to include Presbyterians, if so, the reason should appear on comparing it with the other two Catechisms.

50. MONSIEUR MOLLOY.—What was said, I think, was that Usher's Catechism was midway between the Catechism of the Assembly and the Church Catechism.

Mr. CORSON.—I have not referred to anything of that kind. One Catechism may be preferred to another because a person may think that children would understand it more easily, not for doctrine, or anything it may contain outside essentials. If anything turns on that, I quite agree that it must appear by comparing them, but up to the present I have not heard it. It may have been a reason for preferring it that Usher was such a distinguished man in Ireland at the time; or because it had been used in the Church of Ireland.

51. LORD JUSTICE FIRZGIBSON.—The real question on this part of the case is, what Erasmus Smith meant by selecting Usher's Catechism in place of the Westminster Catechism, and in preference to the Church Catechism. That is material on the question whether he meant to exclude or include those Protestants who were not members of the Established Church. On that issue the only way to arrive at an answer is to compare the three Catechisms. Your view is that he put out the Assembly Catechism and adopted Usher's, for the purpose of making it an Episcopalian institution; but you are met by the allegation, that when he gave up the Assembly's Catechism he took the Catechism of Usher, because he did not wish to adopt the Church Catechism.

Mr. CORSON.—The object of the Assembly Catechism was to strike at Episcopalianism.

52. LORD JUSTICE FIRZGIBSON.—I have not compared the Catechisms, but if you allege that he put out the Assembly's Catechism because it was against the Established Church you must give me chapter and verse for it; and if Mr. Dodd alleges that in preferring Usher's Catechism to the Catechism of the Established Church in Ireland, he intended to let in Presbyterians, he must give me chapter and verse for it. The impression on my mind, up to the present, from the reference of all parties on the subject, is that the differences between the three Catechisms really do not bear on the question at all, or perhaps that those who talk so much about them have not compared them, and I must do so before I form a decision on them.

Mr. CORSON.—The argument I present is this, that the Assembly's Catechism was a Catechism issued at the

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time they were giving the go-by to the Established Church in England, and that it was framed with the view of giving it the go-by.

53. Lord Justice FRYER-GREY.—That is a vague statement, and calculated to mislead. The Assembly of Divines was not exclusively Presbyterian. A great many people who would now call themselves Non-Conformists were Church people during all that time, and the actual division between the Dissenters and the members of the Episcopal church was by no means a sharp line, at the time we are speaking of.

Mr. Carson.—Whether there is anything essentially different between the Catechisms I do not know, as I never read Usher's. The only extent to which I push my argument is this, that when you find the Assembly Catechism put out—a Catechism framed for the purpose I have mentioned—and Usher's Catechism substituted, it shows that Erasmus Smith, having got rid of Cromwell, was glad to adopt a Catechism which, at all events, had the name of being an Episcopal one. If the two Catechisms were, in all essential points, similar, the argument becomes stronger, because then the reason for putting in Usher's Catechism, instead of that of the Assembly, must have been because Usher's was an Episcopalian Catechism. I was calling attention to the 7th Rule, as bearing upon the class of education to be given in the Schools. That Rule provides that the scholars should exercise themselves in the constant speaking of Latin with the Master, and also with one another.

Dr. TRAINE.—There is a rule before that, with regard to the accident. No children were to be admitted to the Grammar Schools, or put under the Head Master, but such as had learned, or were fit to enter into, the accident.

54. Mr. Justice O'BRIEN.—What argument do you find on the direction to speak Latin? That was the common language of educated people in Ireland at the time.

Mr. Carson.—My argument is that it shows that what was intended was not Primary education, but such as you would find in Grammar Schools. You will find all through that Erasmus Smith wished to establish Grammar School education, and, without going into details, you will find other rules which show that. For instance, prizes were to be given to the most deserving scholars, consisting of some Latin or Greek book, suitably bound and gilt. Such were the rules which Erasmus Smith himself framed. You will find in the Charter a passage which is material both as regards Roman Catholics and Presbyterians:—

"Provided always that every such Schoolmaster and Under of the said respective Schools shall be approved of by the Archbishop or Bishop of the diocese wherein they see to live, if they shall willingly subscribe the first two Canons of the Church of Ireland agreed on in the 10th year of King Charles the First."

Let me call your attention to these Canons. The two first Canons of the Church were these:—

(1.) "For the maintenance of our agreement with the Church of England, in the confession of the same Christian faith and the doctrine of the Sacraments, we say, receive, and approve the Book of Articles of Edification agreed upon by the Archbishops and Bishops and the whole Clergy in the Convocation, held at London in the year of our Lord God, 1662, for the avoiding of diversity of opinion, and for the establishing of concord touching true Religion; and therefore, if any hereafter shall affirm that any of such Articles are in any part supererogatory or erroneous, or such as he may not with a good conscience subscribe, let him be excommunicated, and set abolved before he make public retraction of his error. (2.) All ecclesiastical persons having cure of souls, and all other preachers and readers of Divinity lectures, shall, to the utmost of their wit, knowledge and learning, purely and sincerely, without any colour of dissimulation, teach, manifest, open and declare, four times every year at the least, in their sermons, and other collations and lectures, that all temporal or foreign power (in so much as the same hath no establishment or ground by the law of God) is for most just causes taken away and abolished; and that, therefore, no manner of obedience or subjection which his Majesty's Reasons and Sentences, in due

note such foreign power; but that the King's power, within his realm of Ireland, and all other his dominions ecclesiastic, is the highest power under God, to whom all men well inhabiting as born within the same, owe all loyalty and obedience; and to no other foreign power and personage in the earth; and whosoever shall break this article, that the King's Majesty hath not the same authority in causes ecclesiastical that the Godly King had among the Jews, and Christian Emperors is the primitive Church, or impeach in any part his royal supremacy in the said causes referred to the Crown, and by the laws of the realm theron established, let him be excommunicated, and set restored, but only by the Archbishop of the Province after his repentance and public reversion of his error."

55. Mr. Justice O'BRIEN.—Where is the reference in the Charter to those Canons?

Mr. Carson.—Immediately after the Rule, at page 17 of the book.

56. Lord Justice FRYER-GREY.—On a former occasion we were told that it was the two first Articles which were alluded to.

Mr. Carson.—No, the two first Canons. Now, I ask in the first place, does that show an intention that this was to be a Protestant foundation; and, in the second place, could any Presbyterian subscribe to those Canons? It was argued on the last occasion by Mr. Shaw, in favour of the Presbyterian view of the case, that putting in that direction was an argument in their favour, because it was putting a minnow, inasmuch as by the Act of Uniformity, it was at the time essential that all Schoolmasters should subscribe all the Articles of the Church. But so far from that being an argument against me, it strikes me that the putting in of these Canons is the strongest argument in my favour. If the contention is right, that within this provision all Schoolmasters were bound, under law at that time, to subscribe to the Articles of the Episcopalian Church, then the only object of putting in that provision must have been that Erasmus Smith was determined that, even if that state of the law should ever be changed, he should still have, in the face of his Charter, something that would be external apart from the law, namely, that it should be one of the essentials of the appointment of the Schoolmasters that they should be approved of by the Archbishop or Bishop, and that they should subscribe those two Canons of the Church of Ireland. No argument could be founded upon it in favour of Rome Catholic; but how Presbyterians can get out of that provision that the Masters are to subscribe those two Canons, I fail to comprehend. Mr. Shaw seemed to think that putting in those two Canons, when there was a general law requiring Schoolmasters to belong to the Established Church, showed that Erasmus Smith wanted something less than the general law; but you will at once see the intention was to declare, on the face of the Charter, that no matter what might happen in the course of time, no matter what changes might be made in the law, subscription to those Canons, and apparently the Bishop or Archbishop, should be the minimum to be required from any person to be appointed Schoolmaster. That rule has been acted on ever since; all the Masters who have been appointed from time to time have subscribed their names to those Canons. Now, in the face of that, if you are to carry out its founder's intentions, you can settle a Scheme on the basis of a mixed Governing Body, or of the Schoolmaster being of any other religion than that of the present Church of Ireland, I fail to see. The said provision of the Charter is this:

"That the Schools, Schoolmasters, Utters, and Scholars, and all other the officers and persons to be placed in the said Schools, shall for ever hereafter be exempt and free of and from all visitations, punishment and correction to be had, used, or exercised in or upon them, or any of them, by the Ordinary of the diocese for the time being, or by any other persons or person whatsoever, other than by the said Erasmus Smith during his life, and after his death, during his continuance or absence from Ireland, by the said Bona fide for the time being or their successors."

It was also attempted to make an argument out of that; but surely the explanation is that it was considered wiser to keep, as the whole scheme of the Charter was, the government entirely in the hands of Erasmus Smith, or his Corporation, and no argument, is known either of Dissenters or Roman Catholics, can be deduced from it. There is then another material point, that is, the appointments in Trinity College. Remember, Trinity College was at that time an exclusively Protestant institution. It provides that a *Divine Lecturer* was to be appointed by Trinity College, at a salary of £200 a year. It then proceeds to provide what was to be done with the surplus rents and profits of the endowment; and it should never be lost sight of that the really important matter now is the surplus.

"The residue of all the revenues and rents which shall remain after all the charges and payments aforesaid fully made and satisfied, shall during the continuance of such leases as are now in force, be distributed and applied in the following, viz., one full moiety thereof to and for the benefit of poor children to be apprentices to and under such Protestant masters as the said Governors, or any seven or more of them, whereby the Treasurer for the time being to be always one, if able to answer, shall think fit; and that after the expiation of such leases one moiety aforesaid shall be applied partly towards bidding out poor children to be apprentices as aforesaid, and partly towards clothing of poor scholars in the said three Grammar Schools, so always that no more than £6 be bestowed in bidding out any one apprentice, nor more than 20s. in bidding out one child, and that the children or tenants of the said Erasmus Smith be preferred before the others; and the other moiety of the said revenues, as well during the said leases as also after the expiration thereof, shall be applied to such other charitable uses as the said Erasmus Smith, by any deed in writing, or by his last will, shall appoint, and such appointment shall be of like force and effect in law as the same would have been if it had been particularly mentioned and declared by these presents."

You will see that that reserved to Erasmus Smith his power to dispose of the residue, and you will see how that residue was disposed of under an Act of Parliament giving legislative effect to the Charter, which will be the next document that I shall refer to. The Charter goes on to direct that—

"the Masters shall teach all such children as shall be found capable thereof to write and cast accounts, and moreover shall instruct them in the Greek, Latin and Hebrew tongues, and fit them for the University, if they, their parents or friends, shall so desire. Also the said Masters shall (etc.) once every week on the Lord's day, examine the scholars, and for that purpose shall make use of the Question set out by the late Most Reverend Father in God James Usher, Lord Archbishop of Armagh, Lord Bishop of all Ireland, and shall spend some time in examining some part thereof unto them."

I have already observed upon that. In that respect friends of Erasmus Smith follow the Charter. Now, say that on the face of these documents you have the most complete induction of intention to found a Protestant charity, such as has existed ever since, and we are not driven to conclude evidence, as they were driven in many of the cases in the Court of Chancery, in order to ascertain the intentions of the founder. The Act of Parliament to which I have referred was passed in 1733; and I can conceive nothing stronger in the case of a charity than a legislative enactment, making provisions which confirm what had been previously done under the Charter, and extending it in the direction of making it more and more a Protestant charity. Surely, if you are entitled to get at intentions by inferential expressions used by the founder, it is a much stronger thing to have an Act of the Legislature, confirming what had been previously done, and making other provisions indicating that it is a Protestant Institution. The Act recites the Charter of Charles the Second.

Mr. TRAILL.—Does not the Act recite that it was passed on the application of the Governors?

Mr. CURRAN.—It recites that the Governors had paid a yearly pension or exhibition of £8 a piece to twenty poor scholars of the College, and also a yearly pension or exhibition to fifteen other poor scholars of the said College of £6 a piece.

Mr. CURRAN.—Lord Justice Frithineux.—Dr. Traill asks whether it appears that the Governors were desirous of obtaining the Act, in order to legalise what they were doing!

Mr. CURRAN.—It is not stated that there was any petition by them, but it inferentially appears that the Act was passed at their instance; it says that the Governors were desirous that the rents and profits might be applied to the uses therewith mentioned. The Act was evidently passed on their application. It was an Act to enable them to dispose of the surplus money. It provides for the foundation of two lectureships in Trinity College, one in Oratory and History, and the other in Natural and Experimental Philosophy; and it also enabled them to establish three new Fellowships. The law at that time prevented any persons but Protestants from being Fellows. Even Dissenters, up to 1576, could not be Fellows, nor could they get Scholarships; so that the argument as regards that being a Protestant charity, excluding Roman Catholics, so far as can be deduced from what was done with regard to Trinity College, applies with equal force as regards the Dissenting bodies. There were also to be twenty Exhibitions of £8 a year, and fifteen of £6 a year to poor Scholars of Trinity College; and the Governors were to erect buildings in the College for the Exhibitors, which they were to enjoy free of rent. It also recites and ratifies the agreement with the Governors of the Blue Coat Hospital for placing twenty boys in that institution, which, as has been already pointed out, is an exclusively Protestant charity. It further enacted—and I think this is of considerable importance—

"That the Lord Mayor and Recorder of the City of Dublin, and two of the Aldermen of the said City, such as the Governors of the said Hospital shall from time to time elect and appoint, shall for ever hereafter be standing Governors of the said Schools founded by the said Erasmus Smith, and added to the thirty-two Governors in the said Letters Patent mentioned."

There was a subsequent Act of Parliament enabling the Lord Mayor, Alderman and Recorder of Dublin to be Roman Catholics; but at that time they could only be Protestants; and the Act 3rd and 4th Victoria, Cap. 118, Section 114, which provided that they might be Roman Catholics, took away the right of being Governors either of King's Hospital or of Erasmus Smith's Schools. That was a very strong thing, because, generally, in setting up these offices to Roman Catholics, the legislature left them, however inconsistent it might be, free to hold ex-officio appointments; but here you have in the Act of Parliament itself a legislative declaration that they are not to be Governors of the Erasmus Smith's Schools, and that other persons are to be appointed in their stead, thus making special provision that, in opening those offices to Roman Catholics, there should be no interference with the exclusively Protestant character of this institution. Now, you will recollect that, under the Charter, a moiety of the residue of the increased rents was to be applied to such charitable purposes as Erasmus Smith, or after his death the Corporation, might think fit; but the Act of Parliament provides differently:

"Be it further enacted, that if at any time or times hereafter the rents, revenues and profits of the said lands and tenements so not apart by the said Erasmus Smith shall happen to increase, or be raised to better or greater yearly value than they now yield, or if any part of the present yearly rents of the said lands shall be and remain in the hands of the Treasurer or the Governors of the said Schools, over and above the annual payments, charges and expenses herefore or by this Act appointed to be made out of the said lands, that then and in such case it shall and

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may be lawful to and for the Governors of the said Schools for the time being, from time to time for ever hereafter, to apply and dispose of the residue and overplus of the said yearly rents for and towards some public work or use in the said College or Hospital, in putting out poor children to school or apprentices, or in setting up and founding one or more English schools or schools in any place or places in this Kingdom, at the Governor's of the said Schools for the time being shall think most proper or convenient."

That is a direction to apply the whole surplus to Protestant purposes. I am sorry that a little more money was not given to buildings in Trinity College, if I might mention my own views.

59. Mr. Justice O'BAILEY.—Your representative views!

Mr. Carson.—My own views; I think it would have been better if more of the money had been devoted to erecting buildings in Trinity College.

60. Trinity College can only keep a fast hold of what it has got, and must be satisfied with that.

Mr. Carson.—My point is—and remember we are dealing now with the residue, because the original £100 or £300 a year is insignificant in comparison with the £6,000 or £7,000 a year of residue—that then you have a direction that the overplus of the yearly rents shall be applied to Protestant purposes: some public work or use in the said College or Hospital, in putting out poor children to school or apprentices, or in setting up or founding one or more English schools in such places as the Governors shall think most proper or convenient.

61. Lord Justice FREEMAN.—It was under that clause that the great number of English schools were established.

Mr. Carson.—It was. That statute recognised this as an exclusively Protestant foundation. I do not think there is anything material in the subsequent Charter of William. You have there the whole residue provided for in its application to entirely Protestant uses; and the Institution recognised by the legislature as a Protestant institution, in 1723; and it has ever since been carried on in accordance with that. There is one other document in the case, which I have purposely left to the last. I refer to the letter written by Erasmus Smith himself to the Governors, when a question arose as to the "consumption" of the Schools, meaning thereby the starvation of them, by reason of Roman Catholic schools being opened in the neighbourhood of them, to which, of course, Roman Catholic children preferred to resort. In many respects this is the most important document of all in the case. It appears to have been before the Commissioners who reported in 1858, and of course it influenced them, as it must influence any one, in coming to a conclusion as to the intentions of Erasmus Smith:

"London, June 10th, 1682.

"My LORDS AND GENTLEMEN.—I have received your letter dated May the 23rd, with a copy of the report concerning the present state of the schools at Drogheda, and am very sorry you have been put to so much trouble. I give you my humble thanks for your careful inspection of the schools, and especially this of Drogheda. The letter following was written before the receipt of yours, which I now humbly present unto you, not desiring but it will be satisfactory to your honours as it will be to myself if followed.

"My end in founding the three schools was to propagate the Protestant faith according to the Scriptures, avoiding all repetition, as the charter and the by-laws and rules established do direct. Therefore, it is the command of His Majesty to catechise the children out of Private Under's Catechism, and expand the same unto them, which I heartily desire may be observed, upon the penalty of forfeiting their places.

"Now that the scholars educated in those foundations may be encouraged, I heartily request that it may be communicated to the Provost, and Fellows of Trinity College, Dublin, to present to your honours one fully qualified, teacher of the Christian laws and psalm, to officiate in the

rooms of Mr. Scott, late schoolmaster at Drogheda, prior preference to those that have been educated in those schools, that others educated upon the same foundation may be encouraged to present themselves worthy of the like choice; if none among them be qualified, I have it always, and as I find their faithfulness herein, I shall be encouraged to trust them for the future. I desire the charter may be abridged so as to what doth concern the privilege both of master and scholars, and the law and rates added thereto and that a table may be fairly written thereof and hung up in the most publick place in every school, that neither master nor scholar may perchance ignorance.

"My Lords, my design is not to reflect upon any, only I give my judgment why those schools are so unprofitable, which was, and is, and will be (if not prevented) the many Papist schools, their neighbours, which as nearest do share the tree. If parents will exclude their children from prayers, catechism, and exposition is commanded, I cannot help it, for (not\*) to remove that barre is to make seminaries of Popery. Therefore I beseech you to command him that shall be presented and approved by you honours to observe them that desirous those duties and fulfil them, which will oblige,

"My lords and gentlemen,

"Your most humble servant,

"Erasmus SMITH."

I submit that if there ever was a clear indication of the intention of a founder, you have it in the letter; and when you talk of primary and secondary objects, and when it is said that his primary object was education, and that the Protestant character of the education was his secondary object, how will you get over what he says: "If parents will refuse their children because prayers, catechism, and exposition is commanded, I cannot help it, for to remove that barre is to make them seminaries of Popery?" Surely the whole object of making them mixed Schools is to remove that bar, for the purpose of making the what Erasmus Smith called "seminaries of Popery." If we are to go into primary and secondary object, his primary object and intention was, as he himself expresses it in the letter, "to propagate the Protestant faith according to the scriptures, avoiding all superstition." No doubt he failed in carrying out that object, but his object is there nevertheless. Assume that you cannot go on propagating, assume that you ought not to go on proselytising; as Erasmus Smith would call it, "converting" Roman Catholic children to the Protestant faith, are we to be told that, because you cannot do that, you are to apply the money for the benefit of persons who refuse to be proselytised? To do so would be to go directly contrary to his intention; as he himself says, "If parents will exclude their children because prayer, catechism, and exposition are commanded, I cannot help it, for to remove that bar is to make the seminaries of Popery."

62. MONSEIGNEUR MOLOV.—Do you argue that the letter expresses the primary intention of Erasmus Smith?

Mr. Carson.—I do.

63. And do you contend that your clients are present carrying out that intention?

Mr. Carson.—I say nothing about that at all. The I say is, that whatever may have been done by the Governors in the way of relaxing the rules, as they undoubtedly were relaxed—when you come to set a balance, you must frame it in accordance with intentions; and I say that the Protestant character of the institution was the primary intention of the founder.

64. What do you say to this argument: The intention expressed in that letter has been set aside a considerable time by your clients, the present Governors, and therefore we may assume that in the judgment it was not the primary intention of the founder?

Mr. Carson.—You will bear in mind that the Governors have always been Protestants, and the Master Protestant.

Mr. Carson.—Yes; and therefore they would be the less inclined to set aside this provision unless they thought it necessary to do so, in order to carry out the main purpose of Erasmus Smith.

Mr. Carson.—As to the non-enforcement of the rule or method contained in that letter, I submit you cannot find any argument upon that. One man might suppose that the best way to carry out the Protestant character of the institution was to take restrictions off, because in that way he might best noble the Roman Catholic children. Another man might think the best way was to require the most extreme tests before pupils could be admitted or allowed to continue in the school. No doubt some of the rules, as to prayers, station, and exposition, have not been always acted on; but still the Governors have insisted on the schools maintaining their Protestant character, though the method of doing that may not be the method which Erasmus Smith thought the best method.

Mr. Lord Justice FREEMAN.—On this matter there is a good deal in the way of authority, and I hope somebody will look into it. There is a curious difference between our Act and the English Endowed Schools Act in reference to exemption. The English Endowed Schools Act, 33 and 34 Victoria, is not to apply "to any endowment applicable and applied as one solely for promoting the education of members of any church or religious denomination." The exemption in our Act's "any endowment applicable and provided exclusively for the benefit of persons of one religious denomination, and which is under the exclusive control of persons of that denomination." Your contention is that Erasmus Smith's endowment was applied exclusively for a particular religious denomination. There was a contention here at first that the Schools were out of our Act, but that contention was not sustained on the second condition, as some ex-officio Governors are now Roman Catholic. In question as to the effect of a course taken for a long time by the Governors, arises in a number of English cases, where the managers had for long periods—*unless in some cases*—been using the endowments for wider purposes than those mentioned in the documents creating the foundations. There is the case of St. Leonard's Schools reported, 10th Appeal Case, page 311, in which the Governors had for a long time admitted persons of various religious denominations; and Lord Selborne appears to have held that no matter what the length of the user might be, no matter what its advantages might be, if it was contrary to the original intention, it must be discarded altogether in settling a scheme.

Mr. Carson.—That would apply *a fortiori* in the present case.

Mr. Carson.—On the other hand, the courts have in some recognised the expediency of applying a liberal interpretation to the original document, if such interpretation has been acted on for a long space of time.

Mr. Carson.—That is where it is not inconsistent with the original intention. In *Baker v. Lee* it was held that Dissenters were not eligible as trustees, although they had been appointed for a considerable length of time.

Mr. Monsignor MELLOR.—The point I submit is this:—the fact that the Governors have acted in opposition to the explicit directions given in that letter of Erasmus Smith, shows that they have not regarded those directions as representing the primary intention of Erasmus Smith, with regard to the administration of his endowment.

Mr. Carson.—I think, with great respect, that the fallacy in that argument is this, that there is a confusion between the intention and the method of carrying out the intention. The intention was to found a Protestant institution, and the Governors have never wavered from that intention. The method in which the intention was to be carried out is another matter.

I do not know whether the Governors knew of that letter.

Mr. Justice O'BRIEN.—Indeed they did; it was before Commission after Commission.

Mr. Carson.—At all events, it was only a method of carrying out the intention; and it may have been a very foolish method.

Mr. Monsignor MELLOR.—My point is, that the fact that the Governors have not carried out the directions contained in that letter is conclusive proof that, in their opinion, these directions do not represent the primary intention of the founder.

Mr. Carson.—There is where I join issue with you. They have kept up the institution as a Protestant institution, although they have not kept up the regulations as to the prayers and catechism recommended by Erasmus Smith.

Mr. Lord Justice FREEMAN.—I understand you to say that the Protestant character of the institution has been substantially kept up. The departure is in respect of the prayers and catechism, and in receiving paying pupils who do not conform.

Mr. Carson.—Paying pupils in some cases, and non-paying in others; there are some free Roman Catholic pupils in some of the Schools, but that is the furthest extent to which they have gone.

Mr. Monsignor MELLOR.—The substantial purport of that letter is, that those who refused to conform should be expelled. How can you make that instruction the basis of your argument, when your own clients think it ought not to be carried out?

Dr. TRAIL.—The Governors may have thought it unsuitable to the present times not to have a Conscience Clause; they may say, "whatever Erasmus Smith may have thought as to the desirability of enforcing those religious tests, we won't enforce them now."

Mr. Carson.—Suppose Erasmus Smith recommended that every Roman Catholic child in the school should be whipped every day, and suppose the Governors, while keeping up the school as a Protestant school, with Protestant masters, refused to carry out the direction as to whipping Catholic children, it would be a hard thing to say that, because they did not carry out Erasmus Smith's special method of propagating Protestantism, they had given up the Protestant character of the foundation.

Mr. Monsignor MELLOR.—My reason for making the observation is that in the opening part of your statement you quoted from a memorandum I wrote upon the subject. In that memorandum I expressed the opinion that it was not desirable or expedient at the present day to enforce the religious tests which Erasmus Smith imposed upon the endowment; and I wished to call your attention to the fact that, while you criticised my view on that point, you have now so admitted that the Governors have themselves set aside those religious tests.

Mr. Carson.—Certainly, as regards the scholars; but the argument I criticised was, that because, as regards the scholars, the religious test was now unsatisfactory, therefore the institution was to lose its Protestant character altogether. It appears to me to be a fallacy to say that, because the particular test which Erasmus Smith directed to be applied, had been given up by the Governors as regards the scholars, therefore you are to draw the conclusion that you might not only remove the test, but take away the whole Protestant character of the institution, which has been maintained for upwards of 200 years.

Mr. Justice O'BRIEN.—Suppose all the children on the estates were Catholics, which I suppose is almost literally true, and suppose they presented themselves at the Erasmus Smith's Schools for admission, are they admissible when they come there?

Mr. Carson.—I think they are.

Mr. Monsignor MELLOR.—Then, supposing that having refused to conform to the requirements with regard to religion, they are

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*See p. 18, 1892.* expelled, and the School remains without pupils, do you contend that the intention of the founder is carried on?

Mr. Carson.—No.

76. What is to be done then?

Mr. Carson.—I consider you would then be in the same position as the Court of Chancery has been in many cases, and would have to devote the property *ex pess.* carrying out, as nearly as you can, the intention of the founder.

77. That would involve the necessity of a new scheme.

Mr. Carson.—That is what the Governors have done; they have Roman Catholic and Dissenting pupils in the Schools, some of them the children of tenants on Erasme Smith's property, or what now represents the property.

78. Not at all; they have never had pupils from the estates of Erasme Smith, at least not for a very long time. If anyone came to one of the schools now and said, "I am a son of a tenant on the estate," they would call a policeman.

Mr. Carson.—Oh, no.

79. Monsignor MELLOR.—I think, as a matter of fact, they have a few pupils from the estates of Erasme Smith in the Schools, but they certainly take no special means to bring home the education to the children of the tenants.

Mr. Carson.—The foundation was not exclusively for the children of tenants; it was to be, in the first instance, for children of tenants, and then for pupils residing in the neighbourhood.

80. Monsignor MELLOR.—First, for children of tenants on the estates of Erasme Smith, and, secondly, for twenty other poor children within two miles of the Schools.

Mr. Carson.—And also for the children of other persons. Now to take the case put by Mr. Justice O'Brien. Suppose this was a Protestant institution, for the purpose of proselytizing the children of tenants and other persons, which was to a large extent what it really was; and suppose that object fails, you must then deal with it by carrying out the object of the founder as nearly as you can, but that cannot be done by abolishing altogether the Protestant character of the institution.

81. Lord Justice FRITHGUNN.—There are several old entries in the Minute Book bearing on this question. In 1729, when there was a vacancy in the Mastership of the School at Galway, it was ordered that a copy of the first two Canons of the Church of Ireland should be entered in the Registry Book, to be signed by the person who should be chosen to fill the vacancy. Then there is a minute stating that the Governors had elected Dr. John Garnett to the office of Master, and that a letter should be written to the Archbishop of Tuam, desiring his Grace to give such directions to Dr. Garnett as his Grace should from time to time think fit in relation to the admittance and continuance of children of Papist parents to be educated in the Free School of Galway, and there is a memorandum in the margin stating that that had been done.

Mr. Carson.—You will find the two Canons are set out in the book, and the names of the various Masters who were appointed from time to time are subscribed to them. The only other documents to which I at present think it necessary to refer are extracts from the Reports of previous Commissions.

82. Lord Justice FRITHGUNN.—With regard to your own statement as to a *cy pres* application of the endowment, what do you say is the *cy pres* application of this endowment, if the Protestant education of the tenants' children has become impossible?

Mr. Carson.—I say the *cy pres* application is Grammar Schools for Protestants in those towns.

83. Mr. Justice O'BRIEN.—The charity must be impossible to be carried out before the *cy pres* prin-

ciple can be considered. Where do you say the impossibility is?

Mr. Carson.—The impossibility is to get Catholic children in the neighbourhood of the Schools, or of tenants to conform to the requisitions of the foundation.

84. Mr. Justice O'BRIEN.—You cannot tell them might. The Court of Chancery could not decide that that was an impossibility when it depends upon the individual act of each person. How can the Court of Chancery decide that that state of things exists when it depends upon the mind of each pupil who comes to the School?

Mr. Carson.—The Court of Chancery can look at the matter as sensible men would look at it. They can say, "We know, as a matter of fact, that these children will not come to the Schools, but we will make a provision under which they can come." But what is sought to be done is this, that because you cannot get Catholic children to come to the Schools upon the terms on which the institution was founded, therefore you will abolish the Protestant character of the institution altogether. There never has been any case that went within 100 miles of that. The Court of Chancery, in applying the principle of *cy pres.* will look at the whole matter as any sensible man would look at it, and will say, "We find that these Schools were Grammar Schools for the education of children in Latin, Greek, and Hebrew, and to fit them for the University; we cannot get Roman Catholic children to accept the teaching on the terms of the original foundation; and we will settle such a scheme as, while it will not prevent any one from coming to the Schools, will not deprive it of its Protestant character."

Dr. TRAHL.—You might go farther, and give them a Conscience Clause.

85. Monsignor MELLOR.—As I understand, you do not propose to restore the test prescribed by Erasme Smith. That being so, and the test being removed, what reason can you urge why the benefits of the endowment should not be brought home to the children of tenants on the lands of Erasme Smith?

Mr. Carson.—We have no objection to their taking the benefit of the Schools, so long as the Protestant character of the institution is preserved.

86. Take the Schools you have at present; why not bring the benefit of these Schools home to the children of the tenants?

Mr. Carson.—We are bringing it home to them; if they like to take advantage of it. How are we taking it away from them?

87. In an inquiry we held about the Schools before the Draft Scheme was prepared, I asked the Vice-Chancellor whether the Governors took any steps to bring home the education given in the Schools to the children of the tenants, and he said not. Would it not be desirable that means should be adopted to make the Schools available for the children for whom they were intended by the founder?

Mr. Carson.—It depends on the means you adopt for that purpose. If you propose to turn them into Catholic schools, I object. If you invite the children of tenants to come, informing them, by advertisements in the papers or otherwise, that they are entitled to come and take the benefit of the Schools, without any religious test, if they are willing to come to Schools that are under a Protestant Governing Body, I have no objection.

88. In the evidence the Vice-Chancellor gave, is said that the schools were of too high a class for the children of tenants on the estates.

Mr. Carson.—I don't think he said that; what he said was that for children who desired a primary education the schools were of too high a class.

89. Exactly so; that the children of tenants were such as would desire primary education, and therefore that the schools were of too high a class for them.

Mr. Carson.—Very probably; but that was the time of Schools intended by the Charter.

92. You read to-day one of the rules drawn up by Erasmus Smith, which throws considerable light upon that point. It is the fourth rule. He distinguishes two classes of pupils for whom the endowment was intended, and who were to be provided with education. One class were to be "instructed in Latin, Greek, and Hebrew, according to their respective capacities, and sent for the University, if their parents or friends desire it." The other class were to be taught "to write and cipher, that they may be fit for apprenticeship to trades or other employments." That shows that Erasmus Smith contemplated two classes of pupils, one to receive a classical education, and be prepared for the University, and the others were to be taught to write and cipher and to be fitted for trades and other employments. Would not the latter class include the children of tenants?

Mr. Carson.—I think it would.

93. Why then do you not provide children of that class with suitable education to fit them for trades and other employments?

Mr. Carson.—We have no objection that it should be part of the Scheme that children of tenants should be entitled to come in, and be taught to write and cipher in the Schools.

94. And be prepared and fitted for trades and other employments!

Mr. Carson.—Certainly; we have no objection to that.

95. I think it would be most desirable.

Mr. Carson.—I am rather inclined to agree in that.

Dr. TRAVERS.—The difficulty is that in that case they

were to be apprenticed to Protestant Masters.

Mr. Carson.—Yes. If you think the children of tenants would go to such a school we won't object, but what I think produces a confusion sometimes in the argument is the method of doing it. We don't object to any method which will bring the benefits of secular learning within the group of the children, but we object to doing away with the Protestant character of the Schools, which is the way the Draft Scheme seeks to do it. There is where, I think, the confusion between the principle and the method of carrying out the principle comes in. I do not object to any method of making the Schools available for the children of tenants, so long as it is kept up as a Protestant institution. That is what I have argued all along. Now, from Reports of the two Commissions, one in 1853, the other in 1881, are most important; because really, this Scheme is allowed to stand as at present, it justly goes against the findings of those Commissions.

96. Mr. Justice O'BRIEN.—Had those Commissions authority to determine the matter in question? Before you quote those passages I would like to understand from you what legal effect you seek to attribute to them? Those Commissions did not exercise any legal or judicial power of any kind.

Mr. Carson.—Of course they did not; I only quote them as the opinions of men who inspired into the subject, and who found at that time that they were Protestant institutions. I am not saying at all that it is *not* judicious.

97. Mr. Justice O'BRIEN.—If you were discussing a question connected with property you would think it a strange thing to have opinions expressed by persons twenty years ago quoted for the purpose of determining a right.

Mr. Carson.—I do not seek to use them in that way. I submit them merely as the opinions of men who had inspired into the question.

98. Lord Justice FIRKGREN.—This Commission is sitting under the authority of an Act of Parliament, the other Commissions were holding inquiries to form a basis for future legislation. We are empowered to legislate, subject to the approval of His Excellency in Council, and of both Houses of Parliament. We

are drafters of what is to have the authority of an Act of Parliament, if the Privy Council sanction it and neither House disapproves it. But on the point of *ex post facto* take the test case of one of those Schools being in a locality where there are now no pupils at all to take a Grammar School education. That case practically arises at Enniscorthy; there you would be brought face to face with the question whether *ex post facto* you should give an education of a different character to the inhabitants of the locality, or should give the Grammar School education to the inhabitants of another locality. You appear to be of opinion that it would be our duty to continue to give a Grammar School education, but to go elsewhere; and I think you may be helped in that by this reason: that there is now ample provision for primary education everywhere, and that there is greater need of endowments for Grammar School education. It would appear to me to be an answer to Dr. Molley's point, so far as that the tenants on the estate can take advantage of the National Schools for primary education, but that there is no such provision for Intermediate education. But what do you say to the point that you ought to give Technical education, and that it is needed where Grammar School education is not?

Mr. Carson.—I think it would be open to us to do that.

99. Lord Justice FIRKGREN.—I am bound to say that I think a considerable amount of this endowment might be made much more useful than it is, without taking anything away from anybody.

Mr. Carson.—The Scheme presented by the Governors provides for the diminution of the number of English schools.

100. Monsieur MELLOR.—We propose to carry out the same policy.

Mr. Carson.—We cannot immediately get rid of them, but we are gradually doing it. The figures which Lord Justice Fergusson quoted this morning show that that class of schools get on better under the National system. I am not objecting to any method which may be hit upon which would turn the money to the best possible account; my only argument is with reference to a mixed Governing Body, which would eventually turn the endowment aside from the purposes Erasmus Smith had in view.

101. Lord Justice FIRKGREN.—The question remains whether that was his primary motive?

Mr. Carson.—I won't say it was his primary; I say it was his essential motive. What occurs to me is, that it is a mistake to say, if a man says "I will give money to support Protestant education," that he has two motives, one education, and the other Protestantism.

102. Monsieur MELLOR.—What Erasmus Smith said was practically this—"I wish to give education to the children of my tenants, and I require them to conform to the Protestant religion as a condition of receiving that education"; and if you find that they will not take education on that condition, will not the question arise whether his desire to give them education, or his desire to enforce the condition, is to prevail?

Mr. Carson.—No, certainly not; that would be an easy means of turning a Protestant endowment into a Roman Catholic one.

103. Mr. Justice O'BRIEN.—Suppose Erasmus Smith were now living, we could say to him, "you left this money for the education of children on your estates on condition that they became Protestants, but they won't become Protestants, what are we to do with the money?" What answer do you think he would make to that? Would he not say, "give me back my money, as the thing has failed"?

Mr. Carson.—I don't know what answer he would make, but I am sure he would not say "give it to schools of the Roman Catholic religion."

104. Lord Justice FIRKGREN.—There is one thing certain, that the Court of Chancery would not give back

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the money in such a case. That question was decided long ago, and in several cases against heirs and next of kin. Whatever is to be done with the property, the founder's heirs and next of kin won't get it.

Mr. Carson.—I would like to see any case where it has ever been decided that a bequest made for the purpose of propagating one religion has been applied for the purpose of propagating the opposite religion.

103. Mr. Justice O'BRIEN.—The *cum præceptu* doctrine cannot be applied unless you assume that the object has failed.

Mr. Carson.—The object was to educate persons

who conformed to the Protestant religion. The Scheme proposes to leave out the words "Protestant religion," and gives no efficacy to what he says, "if they don't conform, then expel them." Are you not, in doing that, defeating the very means he devised for the purpose of bringing them up in the Protestant religion, and applying his money for the very opposite purpose, namely, bringing them up in the Catholic religion? Now, there are some authorities to which, I wish to refer.

At this stage the Commission adjourned.

## PUBLIC SITTING—THURSDAY, OCTOBER 20, 1892.

At the Four Courts, Dublin.

Present.—The Right Hon. Lord Justice FITZGERALD and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.A.C., ANTHONY TRAINE, Esq., LL.B., M.A., F.T.C.B., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

N. D. MURPHY, M.A., Secretary, and F. REDMOND, B.A., Assistant Secretary, were in attendance.

### SCHEME No. 144.—ERASMUS SMITH'S ENDOWMENTS. OBJECTIONS AND AMENDMENTS —continued.

The same persons and bodies were represented, or appeared in person, as on the previous day.

Mr. Carson.—With reference to the "English Schools" I am asked by the Vice-Chancellor to mention that after the National Board published their regulation in 1891 admitting to the advantages of the National system schools that had not sufficient numbers to be admitted under the old regulations, the Governing Body of Erasmus Smith's Charity passed a resolution that it be referred to the Standing Committee to inquire into the possibility and propriety of the Governors availing themselves of the aid of the National Board for their English schools, and to suggest arrangements for that purpose. That came before the Standing Committee, but it was agreed that the matter should be postponed pending the result of the present Scheme. Your lordships will therefore see, that as far as the Governors are concerned, they are of the opinion that Lord Justice FitzGibbon stated yesterday, that it would be better by degrees to get rid of the English schools, and to put them under the National Board.

104. Mr. Justice O'BRIEN.—What number of those schools existed at that time?

The Vice-Chancellor.—There had been one hundred and twenty, but they were reduced to forty.

105. Lord Justice FITZGERALD.—The largest number of English schools at any time in connection with the Board of Erasmus Smith appears to have been one hundred and forty, and when the Vice-Chancellor gave evidence in 1880 the number had been reduced to one hundred and two. We quite understand that the action of the Governors, with regard to those schools, has been in the direction which, upon consideration of the matter, we recommended in the Draft Scheme. I omitted to mention yesterday the change made in the rules of the National Board in 1891. The alteration was that they now give a class salary to a school with a smaller attendance than previously. Formerly they would not give a

class salary to a school with a smaller average attendance than thirty. Now they give a salary to schools between twenty and thirty. But they always gave a capitation grant on the attendance; and the amount of this grant, even in schools below thirty, was large than the amount of the contribution given by the Erasmus Smith Board; therefore the policy which dictated that schools should join the National Board with an attendance of thirty five, equally extended to schools with an attendance down to twenty, though of course the advantage was less, because the difference is not so great between the capitation grant and the Erasmus Smith's grant as it is between the salary and the Erasmus Smith's grant. I wish also again to call attention to the fact that if a school, when in connection with the Board of Erasmus Smith, has an attendance, say of twenty, it should not be assumed that that would be the attendance after the school is placed under the National Board. We have all been struck with the large increase, especially in the small schools, which has always taken place in the attendance after the schools have been placed under the National Board.

The Vice-Chancellor.—What I wished to point out was that, quite independent of any action of the Commissioners, when the new regulation came out, we took it into consideration, with the view of placing as many of the schools as we possibly could under the National Board.

106. Mr. Justice O'BRIEN.—Long before that new regulation was made, a great reduction had been effected in the number of those schools.

The Vice-Chancellor.—Certainly. It is, however, right to say that some of the schools are so small that it would be impossible to get a sufficient grant even under the new system: it could only come in aid of a grant from some other body.

107. Lord Justice FITZGERALD.—That would be so in cases where the present attendance would repre-

and what would be the attendance if the school were placed under the National Board; but that assumption cannot be generally made, as the figures before us show that when the schools are put under the Board the attendance largely increases. Of course the case of each school should be separately considered by the Governors, on the facts before them. As I am on the subject, I may mention that in the Parochial Schools of the Diocese of Cork, under the operation of the new Diocesan Schemes, which have now completed their first year, the attendance of Church children has increased by 230 since the Schemes were adopted. I state that on the authority of the Bishop of Cork.

The Vice-Chancellor.—Our object for some years past has been to reduce the number of the English schools.

Mr. Justice O'BRIEN.—Yes; you stated so most explicitly in your evidence on the former inquiry.

112. Lord Justice FREEMAN.—We should be very glad to help you in that. No matter what Scheme may eventually be adopted, we are at one upon that matter. The two difficulties in the way are, first, the conscientious objection on the part of some clergymen to come under the National Board.

The Vice-Chancellor.—We are not now affected by that at all.

113. It was one of the difficulties you mentioned in your evidence.

The Vice-Chancellor.—It was, at one time, but since then there has been a great change.

114. The second difficulty was that the National Board are prevented by the Treasury from taking into account any school with a teacher over a certain age. The evidence we have had before us would go to show that in many cases to pension off the old teachers would really be a saving, besides increasing the efficiency of the schools.

The Vice-Chancellor.—There were two or three cases in which we kept on schools that might have got a grant from the Board, because the masters had been a long time in our service, and we thought it better, as a matter of economy, to keep on the schools rather than pension them off, and we did not like to turn them out on the world at an advanced time of their life, as they were still capable of giving instruction; but that reason, but only in two or three cases, we have kept on the schools where the masters, owing to age, or not being able to get certified, could not come under the Board. I may mention that an additional saving was effected by the reduction in the number of its schools, in this way; the former salary of our Inspector was £500 a year, but when the great reduction was made in the schools his salary was reduced to £300. Mr. Reddin is the Inspector of our English schools, and a very experienced and competent man.

Lord Justice FREEMAN.—Now, Mr. Carson, we are ready to hear you, in continuation of your argument.

Mr. CARSON.—I have taken advantage of the adjournment to look into the Act and the authorities relating to the Endowed Schools Commission in England, but, as far as I can see, I think the authorities in England will help us very little in adjudicating upon the Irish statute, for the statutes are entirely different. However, any effect they have is entirely in my favour; and a comparison of the statutes will show that wherever there was an intention to give a Commission the power of taking away the denominational character, either of the Board or of the education, it is given in express terms by the Act of Parliament. The English Endowed Schools Act of 1838, by its 17th section, enacts that

"In every scheme (except as hereinafter mentioned) relating to any educational endowment, the Commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualifications for being one of the Governing Body of such endowment."

And as to the religious education to be given in a school you will find that the question of a Conscience Clause is specifically provided for in the 15th and 16th Sections. The 15th Section says:—

"In every scheme (except as hereinafter mentioned) relating to any endowed school or educational endowment, the Commissioners shall provide that the parent or guardian of, or person liable to maintain, or having the actual custody of, any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly; and that a scholar shall not, by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or establishment in such endowed school, or one of any such endowment, to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lesson."

That is in reference to day scholars. As to boarders, it is provided by Section 16:

"In every scheme (except as hereinafter mentioned) relating to an endowed school, the Commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar who is about to attend such school, and who, but for this section, would only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the Governing Body of such school to make proper provision for enabling the scholar to attend the school and have such exemption as a day scholar, without being deprived of any advantage or establishment to which he would otherwise have been entitled, except such as may by the scheme be made expressly dependent on the scholar learning such lesson."

In other words, they would have to board him out. The Act of Parliament specifically provides that those matters are to be put in the Scheme.

115. Lord Justice FREEMAN.—The Sections you have read are both qualified by the words "except as hereinafter mentioned."

Mr. Carson.—Yes; but on the general scope of schemes the Act specifically makes these provisions, and then come the sections relating to cases where, in the formulation deed, there are express terms as to denominational education; and they are excepted from the foregoing provisions. That is provided for in the 19th section.

116. Mr. Justice O'BRIEN.—Read the excepting clause in the 19th Section.

Mr. Carson.—

"A scheme relating to (1) any school which is maintained out of the endowment of any cathedral or collegiate church, or form part of the foundation of any cathedral or collegiate church; or (2) any educational endowment, the scholars educated by which are in the opinion of the Commissioners (subject to appeal to Her Majesty in Council as mentioned in this Act) required by the express terms of the original instrument of foundation, or of the statutes or regulations made by the founder, or under his authority in his lifetime, or within 30 years after his death (which terms have been observed down to the commencement of this Act) to learn or to be instructed according to the doctrine or tenets of any particular church, sect, or denomination, is except from the foregoing provisions respecting religious instruction and attendance at religious worship."

117. Mr. Justice O'BRIEN.—There is a remarkable clause in that: "which terms have been observed down to the commencement of this Act."

Mr. Carson.—Yes; that is where the charity has maintained its particular denominational aspect down to the commencement of the Act. The force of it is, that in the case of other charities it requires the specific sections I have read, in order, in the opinion

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of the Legislature, to enable these exemptions to be made in the scheme.

114. I see your argument; but the express provision in the 16th section is adopted entirely to the less wide effect of the general excepting section of the English Act of Parliament. It was intended to supplement a previous exception from the jurisdiction of the Commissioners, less wide than there is in the Irish Act. Has your attention been directed to the exceptions in the Act of 1833?

Mr. Carson.—I am quoting from the Act of 1833.

115. They should both be read together.

Mr. Carson.—Yes; but my argument on the construction of this Act, passed before the other statute, remains unaffected; I submit a strong argument is to be deduced from the express powers given to the Commissioners under that Act. The judgment of Lord Selborne in the St. Leonard's School case, goes a long way, although it goes on the specific terms of the Act of Parliament, to show that, if there were not those provisions in that Act of Parliament, the same principles which guide the Court of Chancery would be applicable to those schemes. My argument is that you have, in the present case, such an indication of intention on the part of the founder (which is more a conclusion of fact than of law) as should lead you to come to the conclusion that he meant it to be a denominational charity. The only other case bearing on the question upon that statute that I have been able to find, is reported in Law Reports, 13th Appeal Cases, page 161, the Christ's Hospital case. In giving judgment in that case the Lord Chancellor says:—

"Some objections have been made to the mode in which the Commissioners have dealt with recent endowments, or endowments in great correspondence to the 2nd August, 1819, which by section 14 of the Act are excluded from the operation of section, except with the assent of the Governing Body. Another important objection taken to the Scheme rests on what are commonly called the Conscience Clauses of the Act, sections 13 to 16. The Scheme evades them with a modification to be mentioned presently. The Governors contend that their foundation is one of those which, by force of section 16, are partially exempted from the provisions of the preceding sections, being, as they say, specially attached to the Established Church. Section 16 excepts any educational endowment, the scholars educated by which are required, by the express terms of the original instrument of foundation, or of the statutes or regulations made by the founder, or under his authority in his lifetime, or within 50 years after his death (which term has been observed down to the commencement of this Act) to learn or be instructed according to the doctrines of any particular church, sect, or denomination."

The instruments of foundation contain no directions on the subjects to be taught. To bring the case within section 16 the Governors rely, first on an injunction issued by Edward the Sixth to all schoolmasters of youth, commanding them to teach in their schools the catechism of a certain giddy and learned man, probably John Day, but this injunction, whatever its validity, is not a statute or regulation for Christ's Hospital, nor is Day's Catechism a formulary of the Church of England. The Governors next rely on a number of minutes entered in their books according to orders made by them from time to time. From these it appears that in the year 1750, the children were furnished with Dean Newell's Catechism, that a person was appointed to give them instruction in the Catechism, and that attendance at the catechetical lessons was required of the officers of the house and two Governors. Newell's Catechism never was a formulary of the Church of England. It is doubtful whether orders of the kind produced, for appointing an officer, for providing books, for prescribing the places and times of instruction and the persons to stand thereto, are statutes or regulations of the kind contemplated by section 16. It is certain that we cannot find in them any such express terms for requiring instruction in the doctrines and formularies of the Church of England as are necessary to fulfil the requirements of that

section. But this part of the scheme contains a provision which, so far as their lordships know, is quite novel. It provides that when a person attends on religious worship or teaching his ten, claimed for a scholar in the way prescribed by section 16 of the Act, every person in charge of a boarding house of any school of the foundation shall allow such exemption. To this the Governors object, and their lordships think that it is not warranted by the Act. He goes through the sections, and holds that it was not within them. But the reasoning is that he did not consider as a matter of fact upon the deal of endowment that there was any express intention on the part of the founder to devote the charity to denominational purposes. I am not going back on all I said yesterday, pointing to the introduction of the canons of the Church, and all the other matters that I relied upon. I merely wished to refer you to a few of the cases in support of the propositions I laid down yesterday, that you ought not to divert this property from its religious purposes to which it was originally dedicated. There are very many cases on the subject, and I have selected one or two which, I think, bear out what I have stated to be the principle governing the matter. The first case is that of the Attorney-General v. Dean and Canons of Christ Church, reported in 1st Jacob, page 474. In that case they were

"a devise to the Dean and Canons of Christ Church, to trust to constitute and support a grammar school at F., to appoint a master and usher, and pay them certain salaries, and the Dean and Canons to direct the management of the school."

It was held,

"(1.) That the school was to be a Free Grammar School teaching the learned languages."

That bears out what I stated in argument yesterday, in answering what was said about the School being beyond what was intended by the founders, that on the authorities the term "Grammar School" had a well-known and technical meaning.

116. Mr. Justice O'Brien.—Is there not a legislative interpretation of it by statute?

Mr. Carson.—I don't know.

117. There is an express definition of it.

Lord Justice FREYGERSON.—There are several definitions in the case. "A school for teaching the learned languages" is really the meaning.

Mr. Carson.—Yes, and you will find that in most cases the trustees were compelled to teach the scholars Latin and Greek.

Lord Justice FREYGERSON.—They were prevented from using the endowments for Primary education.

Mr. Carson.—Yes; and you will recall the Erasmus Smith has himself put in a preface, indicating his intention independently of these definitions, for he directs that the children of the tenants who desired it should be taught in the schools to read, write, and cast accounts, so far as it would not interfere with the management of the Grammar Schools.

118. Mr. Justice O'BRIEN.—Where do you put the words, "so far as it would not interfere with the management of the Grammar Schools"?

Mr. Carson.—In Erasmus Smith's rules.

119. Monsignore MOLLOY.—This is his fourth rule:

"These children are to be instructed and taught in the Latin, Greek, and Hebrew, according to their respective capacities, and fitted for the University, if their parents or friends desire it; others of them to write and cipher, that they may be fit for dispensement to trades or other employments."

Mr. Carson.—The rule I referred to was No. 4. You must read them together. He says:

"No child is to be admitted to the Grammar School, to be under the Head Master, but such as have learned to fit to enter into the seminary or some intermediate book to the grammar; the Usher may, nevertheless, teach the children of the said tenants to read, write, and count."

ments, as many of them as the master shall judge will not prejudice his further attendance on the Grammar Schools?

129. Monsignor MORLON.—Yes; he divides the pupils into two classes.

Mr. CARSON.—That rule shows plainly that his principal object was the Grammar Schools; and it also shows what he meant by the term Grammar School—that it was a school for the teaching of the learned languages. That seems to me to be of great importance, because it has been said, over and over again, that this Charity has developed into a class of schools higher than what were intended by the founder. I wish to show that the schools have been kept strictly within the lines of what the term "Grammar Schools" has always meant.

130. Lord Justice FRUGGAR.—I never heard any observation to the effect that the Erasmus Smith Grammar Schools had gone beyond the original intention as to the class of education to be given in them: the point made was that when the revenues became larger they were applied to a different class of schools.

Mr. CARSON.—If you look at the statements made at former occasions when this matter was before you, you will find that it has been said, over and over again,

131. Dr. TRAHL.—What was said was that the donation given in the Grammar Schools was above the wants of the tenants on the estates, because there were not among the tenants a sufficient number of persons anxious to take advantage of that class of schools. Instead of going forward, the education in the Schools, in one respect at least, would appear to have gone back, because Erasmus Smith prescribed that an essential part of the education given should be taught in Latin.

Monsignor MORLON.—The evidence was that the class of education given was higher than what the funds required. The Vice-Chancellor was asked this question:

"Erasmus Smith declares that he intended by this endowment to provide education for the children of his tenants. Why would you not, then, take some measures to make the education you give available for the children of his tenants?"

The answer he gave was:

"Well, really, no regards the children of the tenants, we have never had any occasion to consider the question; the Schools have become now of a higher class than tenants took very much care to send their sons to; there are no tenants in the neighbourhood of any of our Schools that happened to send their children there—tenants' children."

Mr. CARSON.—Of course, the meaning of that evidence is simply this, that the class of tenants' children are not the class that would avail of the Schools, rather than that the Schools were different from those intended by the founder. It is not that the Schools are of a different class from what was intended, but that from the circumstances of the neighbourhood now having changed, the children of the tenants do not avail of what was originally intended for them.

Mr. Justice O'BRIEN.—The Vice-Chancellor's observation went to show that the tenants went away from the Schools, rather than that the Schools went away from them.

132. Monsignor MORLON.—I should wish to call your attention, Mr. Carson, to the Act of 1885, under which this Commission is constituted. It is there laid down (Sec. 13.) that

"when the founder of any Educational Endowment has expressly provided for the education of children belonging to the poorer classes, either generally or of a particular class, or within a particular area, or otherwise for their benefit, such endowment for such education, or otherwise for their benefit, shall continue, so far as requisite, to be applied for the benefit of such children."

How do you suggest that this endowment which originally was intended by Erasmus Smith for the children

of a particular class, within a particular area—namely, the children of the tenants upon his estates—should not be applied for the benefit of such children?

Mr. CARSON.—That is exactly why I thought this matter of such importance. I submit that you must take into consideration the class of persons for whom he wished to provide education, and the character of the education he proposed to provide for them. It is true they were to be poor, and that they were to be the children of tenants. But the word "poor" is a relative word. The sons of farmers might be "poor" in a relative sense, and yet they might have been of a class that would wish to go to a Grammar School and eventually to the University. It is a fallacy to suppose that because he spoke of their being poor, he contemplated a class of persons that would not avail of a Grammar School education. You must take the term "poor" in relation to the education that he wished to provide. They might not be poor, in one sense of the word, but they might be too poor to afford to pay for Grammar School education. That is why I think it is of importance to show that by the establishment of Grammar Schools he meant, not Primary schools, but schools to which such children would go as were intended to learn Latin, Greek and Hebrew, and eventually to go to the University, if they possessed capacity for it.

134. The Act directs us to provide that the endowment shall be applied for the benefit of the class that he intended to benefit, that is, the children of the tenants on his estates.

Mr. CARSON.—When you say that class, it must mean such portion of that class as would go to a Grammar School, and receive such an education as he lays down.

135. Who require either a Grammar School Education, or such an education as would fit them for trades or other employments.

Mr. CARSON.—Yes, but that was ancillary, and only so far as would not interfere with the Grammar Schools; and it was in the Grammar Schools it was to be done. You cannot talk of a poor class of tenants, and leave out of consideration what it was that he intended to do. Suppose a man said, "I wish to endow a school for poor scholars who wish to go to the University of Dublin, Oxford, or Cambridge," you would not suppose he meant the children of persons living in the slums, or the children of labourers; you must take the word "poor" in reference to the class of education he intended to provide.

136. But if he left the endowment for the children of the slums, you cannot transfer it to the children of the squares.

Mr. CARSON.—No. It is quite possible that there may have been tenants on the estates who would wish their sons to be educated in the Grammar Schools, and prepared for the University if they possessed capacity for it. Remember that these estates were let at that time for about £200 a year, and that they now yield a rental of £7,000; so that many of the tenants must have had large interests in their holdings.

137. Lord Justice FRUGGAR.—The estates from which the children were to come were by no means confined to the lands which were the property of the Governors. The results of our inquiries show that those lands were only a small portion of the estates from which the children of tenants might be derived. If a man gave an endowment for providing Grammar School Education for the poorer class of tenants, say in the county of Dublin, as long as there were any reasonable number of children of that class who wanted that sort of education we could not divert the money to the children of the "ai-welches" to read and write. He wanted to provide for exceptionally clever and industrious boys, the sons of tenants on his estates, an education that would raise them out of the class from which they came.

SACRED BOOKS.

128. Mr. Justice O'BRIEN.—How can you avoid giving the same construction to the words "poor tenants" in the instrument creating the foundation, and the words "poorer classes" in the 18th Section? Does not the term "poorer classes" mean those who are unable to pay for their education?

Mr. Carson.—It meant those who were unable to pay for Grammar School Education.

129. Yes, but on what principle do you debar from education, even in an University, persons by reference to their humble station?

Mr. Carson.—I am not asking you to debar anybody. How do we debar them? I say that, instead of concluding from that that you are to found something in the nature of primary schools, it is not a question of poverty, but of the class of education, and of the class of persons who would probably come to take advantage of it. We don't want to deprive anybody of anything; but it is not because he said that he intended to provide education in Grammar Schools for the children of poor tenants, that you are to give an "A B C" education. You must read the words "poor children" in reference to the class of education intended to be given. I rely on the authorities establishing, over and over again, that wherever it was attempted to divert Grammar School Endowments into endowments for primary schools, the Courts have refused to allow the trustees to do so, and have held that Grammar School foundations were intended for the purpose of giving opportunities to persons who, from their poverty, that is, their comparative poverty, could not otherwise give their children the advantages of such an education; and so to enable them to push on in the world. I refer to the Attorney General v. Hartley, 2nd Jacob and Walker, page 203; also the Attorney General v. Mansfield, 2nd Russell, 501. I call your attention to the head note in the former case,—

"Where a school, upon the true construction of the instruments establishing it, ought to be a Grammar School, for instruction in the classics, the trustees will not be permitted to convert it into a school for teaching merely English, writing, and arithmetic, though it had ceased, from before the time of living memory, to be a place for classical education, and though it appeared from old regulations that elementary instruction in English had always been one of the objects of the institution."

Another case is that of the Berkhamsted School, Law Reports, 1st Equity, page 102. In that case, "a school having been founded by letters patent in the town of B and afterwards incorporated by statute, for the teaching of children in grammar freely, without any extraction or receipt of money, not exceeding the number of 144, it was held that instruction in Latin and Greek was made imperative by the terms of the foundation."

I have called attention to the case of the Attorney-General v. Dean and Canons of Christ Church, where the gift was to the Dean and Canons of Christ Church, in trust, to constitute and support a Grammar School. There was considerable discussion in that case as to how the Scheme should be settled, and eventually it was decided—

"(1) that the school was to be a free Grammar School for teaching the learned languages."

That was the construction the Court put upon the words, "teaching of children in grammar." It was held also,

"(2) that the proper objects were the children of the resident inhabitants of F.; (3) that they must be the children of Protestants, and must be educated according to the principles of the Church of England; (4) that the master might take boarders and day scholars; (5) that the number of free scholars was to be limited, and in fixing the number, the master was guided by the amount of salary originally provided; (6) that the free scholars were to be educated by the Trustees; (7) that the Trustees were to visit the school at their discretion, and to be allowed their reasonable expenses."

Here is what the Master of the Rolls said in giving judgment:

"One exception applies to the description of the persons whose children are to be received in the school; and first, with reference to their religious principles. It is admitted on both sides what is the nature of the school. It is founded by a Protestant; it is to be a Grammar School; and, in the absence of other evidence, the court can only conclude on the principle of religious education forming a part of the plan, and that religious education being according to the law of the land. On that both sides are agreed."

The next case, to which I refer, is the Attorney-General v. Calvert, 23rd Beaum, 248, which lays down certain principles.

"The first principle applicable to charities is that the intentions of the founder are to be carried into effect, so far as they are capable of being so, and so far as they are not contrary to law, using the word law in its proper and widest significance, as including the precepts of religion and morality. If, therefore, the founder has directed that only persons conforming to the Church of England shall be recipients of his bounty, his will must be followed. If a charity be founded to support some religious establishment, or if it seek to promote religious education, as in the case of Lady Hawley's charity, and if, in addition to this, the intentions of the founder are not clearly expressed, or if the instruments of foundation has lost, or even never had any existence, the opinions and religious tenets of the founder have a material bearing on this question—who are the objects of the charity, and in what manner the trustee are to be performed, for the purpose of carrying into effect the general purpose which is known to be the support of religion? In these cases the presumption, in the first instance, is that the founder intended to support an establishment belonging to some particular form of religion, and that he intended some particular doctrine of religion to be taught. The next presumption is that this establishment and this doctrine was that which he himself supported and professed; and the court will look carefully at his own life and conduct, and spell out expressis, set mediis in the instrument of foundation, but in his will and will to ascertain what were the doctrines and opinions maintained and professed by him."

That case bears out what I said yesterday, that you were not merely to take the Deed of 1687, but all the documents, including the rules for the management of the Schools, and expressions of opinion of Erasmus Smith, down to the time of his death. I would call your attention to a passage from the judgment in the Attorney-General v. Calvert at page 256:

"To some extent though in a far less degree the same principle applies when a charity has been founded for the purpose of secular education. Here, in the absence of expressed intention, the Court will not assume that the founder intended any particular religious doctrine to be combined with the secular instruction, but on the contrary, will assume that the object was for secular instruction generally; and that admitting that religious education is a part of the instruction given, it would still allow each person who needed secular education to obtain the benefit of it, and would not by enforcing particular rules relative to religious instruction prevent all denominations of christians from obtaining the benefit of the instruction as effect. But here, again, if the founder has expressed an opinion that religious instruction of a particular character did form a part of the instruction given, the court will take that direction although the effect may be to exclude a large portion of the community most in need of charity from deriving any benefit from it."

That bears out in a remarkable degree a large portion of the observations I made yesterday. It continues :

"Both secular and religious instruction may be mixed together by the founder, and the observations I have already made on the first branch there become applicable, the more so because it is to be observed that no instruction is to be deemed adequate or complete which does not include religious instruction, and that even where secular education alone is the object of the charity, religious instruction is added in such a manner as not to deprive those who sincerely dissent from the religious tenets inculcated of the benefits to be derived from the secular instruction. In such cases religious instruction according to their own doctrine,

is supposed to be afforded to the pupils by their parents or guardians at home."

The case of the Attorney-General v. Clifton, 22nd June, page 595, is of use in the present case, because it was one of the constitution of a governing body of a particular denomination, but allowing the pupils to come in and take the benefit of the secular education given, without conforming to the religion of the governing body. In that case the Court having referred, from reference to the Parish Church, in the deed of endowment, that a school founded in 1601 at a Church of England School, held that the trustees, and the schoolmaster also, if possible, ought to be members of that Church, but that the instruction was open to scholars of every denomination.

The terms of the deed were:—

"Forasmuch as there are very many people dwelling within the town and manor of Brougham, and many children and youth daily increase, which for want of teaching and instruction are bred up in rudeness and ignorance, the use of such harm and scurvy in the Commonwealth, Therefore therefore these presents, that the said Thomas Dene, to aid for the maintenance and continuance for ever hereafter of a schoolmaster for the instruction and taching of the children and youth of the inhabitants within the said parish of Brougham, to read, write, and cast accounts, to the intent thereby that they may be henceforward to know and reverence Almighty God, obey their sovereign prince and parents, and may be more apt and ready prepared either for schools of higher learning or else to be bound as apprentices in some lawable trade or science, or else be employed in husbandry or other good labour and course of life for gaining of their living."

The testator gave certain hereditaments to eight trustees.

"Upon trust for and to the maintenance of such a mestre or schoolmaster as the trustees, or a majority of them, shall appoint, to be resident and abiding in the said parish for the teaching and instruction of the children of such as shall inhabit within the town and manor of Brougham and Brougham, to read, write, and cast accounts, as aforesaid."

It further set out that he had resolved to acknowledge the deed in Chancery, and that one part thereof should be committed to the custody and safe keeping of the churchwardens for the time being of the said parish of Brougham, and should be there entered and sealed for memory in the book of the said parish, commonly called "the Book of Christenings and Deaths," and it provided that if there should be, at any time, no schoolmaster provided, notice thereof should be given publicly at the time of divine service in the Parish Church, or immediately after. That was the only indication as to religion that notice was to be given publicly in the church when any vacancy occurred in the office of schoolmaster; and the court observed from that that the school was a Church of England School, and framed a scheme, making the governors and schoolmaster of that particular denomination, but as there was no restriction in the deed put upon the religion of pupils who might come to the school, the scheme left it open to pupils of every denomination. I have referred already to Baker v. Le, 5th House of Lords Cases, 496, and the importance of that case upon the present branch of my argument is that for a period of 156 years Dissenters had been appointed upon the governing body of the school, and the Court before had held that Dissenters could be appointed, but the Lord Justice dissentient from that view, and in the result the House of Lords allowed the judgment of the Lord Justice that Dissenters could not be appointed.

130. Mr. Justice O'BRIEN.—They were equally divided, and consequently the decision of the Lord Justice was affirmed.

Mr. CARSON.—They were equally divided as to the second branch of the trust, which was for the repair of highways and bridges, which was a matter that

could not involve any question of a denominational character; but if that had been left out of the case you will see that their lordships would all have affirmed the opinion of the Lord Justice. In the case of the Sherborne Grammar School, 19th Benian, 255, you will find that it was laid down that the date at which the foundation was made is to be taken into account, and that the Court are to look to what was the established church at that time; and great stress was laid in that case upon the fact that there was a direction as to episcopal sanction of certain regulations for the school. You will remember that in the Charter establishing the present schools the Bishop was to be consulted in all cases of the appointment of Schoolmasters. I might refer to another case, the Stafford Charities, 25th Benian, page 25. The cases all lay down the same principle, that if you find that the founder desired to impress upon the Charity a particular denominational character, then, in settling the scheme, you are bound to carry out that intention. I have looked through a number of those cases, and through the Digests that contain all the cases, and I can find no case in which it was suggested that by reason of the failure of the object, a charity which the founder impressed with a particular denominational character has been converted to any other denomination. There is one other case to which I may refer, that of the Camden Charity, Law Reports, 18th Chancery Division, 310. I cite that case in order to show that when a scheme is brought in by the governors of a charity, based on the mode in which they have been administering it, and having due regard to the intentions of the founder, and to the change of circumstances, and the increase which has taken place in the funds, the Court will sanction it. The income in that case had increased from £10 to £10,000 a year, and what had been a village when the charity was established had increased to a large town; and it was held under those circumstances that they were not bound to adhere to the strict original idea of the charity, and they were allowed to extend the educational purposes, and apply the fund generally for such education as would be beneficial to the locality.

131. Mr. Justice O'BRIEN.—Have you found any case where the objects of the charity were not merely persons belonging to a particular arm or class, but a class in relation to whom there existed a link of property between them and the founder, such as existed in the present case? Have you found any case in which the provision made was for persons who were actually engaged in producing the very fund from which the charity was given?

Mr. CARSON.—The only case I have found of that kind was one where the charity was for a particular congregation of a Presbyterian church; and there they extended it, as the funds of the charity grew, not merely to the congregation of that church, but churches in other towns.

132. That is not what I mean. That congregation was not engaged in producing the fund.

Mr. CARSON.—With great respect, I do not see how that can influence the matter.

133. Could you contend that if Erasmus Smith had given money for the education of members of his own family, it could be dealt with on the same grounds as if it was given for the education of the public at large?

Mr. CARSON.—That would not be a charity.

134. It would be a charity; not precisely the same as this, but still analogous to it.

Mr. CARSON.—I think not, with great respect. It would not be sufficiently public to make it a charity. But with reference to the question you asked me, how can any difference arise from the fact that these people paid rents, and contributed to the fund out of which the charity was supported?

Lord Justice FRASER.—I don't think mere payment of rents would make any difference; there were certain of his estates for the tenants of which

he practically did not provide any educational advantages at all.

135. Mr. Justice O'BRIEN.—If it made no difference why did he select that class of persons, who were only related to him by that circumstance?

Mr. CARSON.—It seems to be assumed that they were the only class that were to be benefited, whereas they were only one of the classes for whom education was provided.

136. Monsignor MORLÉY.—They were to have the preference.

Mr. CARSON.—Yes, but nothing more than a preference.

137. There were only two classes specially mentioned: first, children of tenants upon the lands of Erasmus Smith; secondly, twenty poor scholars who lived within two miles of the schools.

Mr. CARSON.—And also other inhabitants of the neighbourhood.

138. Lord Justice FITZGERALD.—I should be glad to be referred to the document in which that phrase is contained.

Mr. CARSON.—It is in the Charter of Charles the Second; you will find it at page 14 of the little book:

"And we do hereby declare, that if the said rents, revenues or profits of all or any of the manors, lands, tenements, goods or chattels, at any time to be granted or conveyed to the said Governors of the said schools, or their successors for the maintenance of the said schoolmasters and scholars, shall happen to increase or be raised or augmented to a better or greater yearly value than formerly the same was, or that the rents, revenues and possessions of the said schools shall be further increased by the determination of any former estates in the said possessions of the said schools, or otherwise, than all and every such increase shall be employed to the maintenance of new and other schools to be placed in the said schools, or to the further augmentation of the allowances of those persons that for the time being shall be in the said schools, according to the true intent and meaning of these presents; and as far as may concern with such further declaration concerning the employment of the surplusage as is hereinbefore mentioned, shall not be converted or employed to any private use."

139. Monsignor MORLÉY.—All the original documents before us show that he intended the children of his tenants to have the preference. In all the documents they are the first to be provided for.

Mr. CARSON.—Yes; but on the other hand there are several passages showing that by "other scholars" he meant persons outside the tenants on his estates and the twenty poor scholars. You will find at page 25:

"And moreover it shall be lawful for each Master to receive of every scholar at his entrance into the school two shillings, except the twenty poor scholars in each school who are to be privileged as aforesaid, and except the children of the tenants and inhabitants upon the lands and possessions belonging to the said Erasmus Smith."

140. That shows that the children of the tenants upon the lands, and the twenty other poor scholars within two miles of the Schools, were to receive their education free, but that the others were to pay.

Mr. CARSON.—Yes; but beyond that there was nothing more than a preference given to them. In the Deed of 1657 it is provided:

"The children of the tenants and inhabitants of the said lands, and other lands of the said Erasmus Smith and his heirs, in Ireland, to be first provided for, and after them such as shall be educated in the said Schools, being poor, and for want of such for the relief of such other poor scholars as in the judgement of the said trustees, their heirs and assigns, shall be held fit to receive the same."

141. My contention is that the children of the tenants on the estates of Erasmus Smith were in all cases to have the preference, and that the others were to come after them. That is apparent in the Indenture of 1657, in the Letters Patent of Charles the Second, and in the Charter.

Mr. CARSON.—The Charter gives the other children a right to take the benefit of the Schools on payment of two shillings.

142. It says that it shall be lawful for the Masters to require payment from them.

Mr. CARSON.—Certainly. I apprehend that their admission on payment of two shillings made it practically a free school for them, for the payment was only to be made at their entrance into the school, and suppose they remained there five or six years all they would have to pay would be the two shillings at the entrance.

143. Yes, but the Masters were bound to give free education to the children of tenants and to the twenty poor scholars living within two miles of the Schools.

Mr. CARSON.—Quite so; they were to be absolutely free; but the benefits of the Schools were not limited to them. Now, before I sit down, I would merely say, as regards the Draft Scheme which has been published—I am not going into the details, but I think that, in framing it, the Commissioners have given its complete go-by to the intentions of the founder of the Charity, to the Scheme put forward by the Governor, and to their own Act of Parliament—I submit that if this Draft Scheme were adopted, it would be practically unworkable, for this reason: it provides for keeping up those Grammar Schools, but makes no provision as to the religion of the Masters, and the Board is to be a mixed Board. The constitution of that Board would of course necessarily change from time to time. It might be exclusively Protestant to-day; it might be exclusively Catholic to-morrow. What would happen would be, therefore, that you would have schools which at one time might be presided over by Protestant, and at another time by Roman Catholic Masters. Is that, I ask, a feasible idea to carry out in this country? Could there be any such public confidence in schools of that kind, as would make them successful?

144. Mr. Justice O'BRIEN.—If you ask my opinion upon the matter, I say I do entertain that hope. I believe there are a large number of persons in this country who would avail themselves of a strict school upon the basis of this Scheme.

Mr. CARSON.—I submit that all experience in this country is the other way. Over and over again it has been urged that it would be better to divide the fund in such cases, between the two great religions, than to attempt to create mixed schools. It is not the experience of any one that has had to do with schools in this country, that such a thing can be successfully done. Does not experience everywhere show that people of one denomination will not send their children to a school where the master is of another denomination?

145. Lord Justice FITZGERALD.—I speak with respect to those who have framed the Draft Scheme, which I know has cost them a great deal of time and trouble; but on this point that you are now on, if we get rid, for a moment, of the difficulty as to the formation of the Governing Body, before I could say that the Scheme was "expedient," which is the expression in the Act of Parliament, I should like to understand how it would work. Before I could share the hope that Mr. Justice O'Brien has expressed, that schools of this kind, under a mixed Governing Body, would succeed, I should like to see how the Scheme provided for their working; and I do not understand from the Scheme itself, either what the constitution of the Governing Body would be, as a mixed body, or that it would have any continuity or identity of operation. Furthermore, in all cases where a mixed Governing Body has been formed, it has been subject to certain restrictions; but there are no restrictions in this Scheme on the composition or working of this mixed body, the character of which is uncertain, and the duties of which are not prescribed.

Mr. CARSON.—It does not prescribe any proportion in the denominations of which the Governing Body is to consist.

146. Lord Justice FITZGERALD.—No; but if one might guess, if the Scheme were adopted in its present

shape, the Body would, at first be an overwhelmingly Protestant body; and, as far as I can see, it would probably so continue.

**Mr. Justice O'Barne.**—It ought to be more acceptable, for that reason. It is unnecessary for you to insist on the fact that your real objection to the Scheme is on religious grounds.

**Mr. Carson.**—I do not make any secret of that. I think that, when you are going to change the character of a foundation which has lasted for over 50 years, I have a right to say that you should, at a stroke, frame a scheme which will be practically reliable, and I say the present Scheme is not one that would be practically workable, but that it is one which, sooner or later, and I think very soon, would have to be altered again.

**141. Lord Justice FitzGrennan.**—You opened your observations yesterday by the statement that the inevitable result, if the Schemes were adopted, would be that in the end it would become an exclusively Roman Catholic institution. I do not see that. Of course it may possibly be so, but I do not see it on the face of the Scheme; I think the Governing Body would necessarily be, at all events at the commencement, an overwhelmingly Protestant one; and if I am right in that, one of my objections to the Scheme would be that it purports to give Roman Catholics an advantage, but the other is surely, that there is no precedent for the formation of a kind of body of which the proportions are not precisely equal.

**Mr. Carson.**—That justifies the observation I made on the unworkable character of the Scheme, for you would have an overwhelmingly Protestant institution in the face of a declaration by the Commissioners that it was to be denominational. Nothing could be more unsatisfactory; and the result would be that after five or six years it would have to be again changed, on the ground that, so far from being what was intended, it was still denominational in its working. The result would inevitably be that you would have again to make a change in order to make it what the Commissioners had said it ought to be.

142. On that point my view is very strong, that not only does our Act of Parliament not contemplate change, but it makes it impossible, once a scheme has been adopted, to make any change afterwards, because once a scheme has been adopted no question can afterwards be raised as regards its legality, and it cannot afterwards be changed, except by a statute of the Imperial Parliament.

**Mr. Carson.**—It is a statute I am afraid of.

143. But it could not possibly have been intended that a scheme should be framed under this Act which would require statutes to change them. We must do our best to frame a scheme which will not require to be changed. Therefore, I venture to hope that whatever scheme may be framed in this matter will commence with all the other schemes that we have framed, and will prescribe how it is to be worked.

**Mr. Carson.**—I know it would be urged, and urged with great force, in a short time, that this Commission had decided that the institution should be worked in a particular way, but that in its effect and practical working, it was entirely different. That would be the inevitable result of a Board constituted in such a way, with no regulations fixing how many were to be of one denomination, and how many of another. Further than that I do not think experience shows that Roman Catholics will send their children to a school kept by a Protestant master, and under a Protestant Governing Body; and on the other hand, I do not think Protestants would send children to a school where there was a Catholic schoolmaster, and where the majority of the Governing Body were Catholics. Therefore I say the Scheme, even independent of the other objections I have made to it, would seem to be an entirely unworkable Scheme. I am not going into minute questions, upon which we may differ, in relation to it. Of course, if the ques-

tion of the intention of the founder is decided in my favour, it must change the whole tenor of the Scheme. We have put forward what we think a better Scheme, and which I submit, under the Act of Parliament, ought to be given consideration to. It will be time enough to deal with details when this matter has been decided. Up to the present, the Judicial Commissioners have not agreed upon the principle of the Scheme; and it would be idle to go into minute details of the Scheme which has been put forward. I submit with confidence that you can come to me other conclusion, looking at the different documents and Acts of Parliament, and having regard to the spirit of the Founder's intentions, than that this was a purely denominational charity, attached to the then Established Church, and intended to be a Church Endowment, and that if a scheme is to be settled, it should be settled on the lines that I have indicated.

**150. Lord Justice FitzGrennan.**—**Mr. Dodd,** for whom do you appear?

**Mr. Dodd, Q.C.**—I appear for the Intermediate Education Committee of the General Assembly.

151. According to the ordinary practice, counsel would have precedence, if Mr. Dodd wishes, but, as I mentioned yesterday, the Roman Catholic claim is wider than that represented by Mr. Dodd. I believe there is no counsel to represent the claims of the Roman Catholics. **Mr. Humphrys,** we have your objection, and, subject to Mr. Dodd's right as counsel, we think we might hear you first. We should like you to state how you represent the Roman Catholic claim: is it right, and on whose behalf?

**Rev. David Humphrys.**—I represent children of the tenants of Erasmus Smith's estates in Limerick and Tipperary, the children on the Smith-Barry estates, and on the estates formerly held by Lord Derby in Tipperary.

**152. Mr. Justice O'Barne.**—Are you ecclesiastically connected with any part of the estates?

**Rev. D. Humphrys.**—Yes, I am curate in the place where a large number of the tenants of Erasmus Smith's estates live. I represent tenants in Limerick and Tipperary; altogether I represent the children of about 1,000 tenants and labourers on the estates. The great bulk of the Endowments are, as you are aware, in those counties. I see by the Report of 1878 that the annual rental of the school estates in Limerick and Tipperary is £5,700, and from the evidence given by the late agent of the estates, there has been little or no reduction made in the Land Courts.

**153. Mr. Justice O'Barne.**—£5,700 is about the annual amount?

**Rev. D. Humphrys.**—Yes, my lord, and to this are to be added bog rents and the tolls of the fair of Pallaskenry. That was the evidence given before the Commission of 1878; and the late agent of the estates stated in his evidence that there had been little or no reduction in the rents. I am bound to say that Mr. Carson's statement on this question appears to me to be one of the best specimens of talking round a subject that has ever come under my notice. He has adored the fringes of the subject with learned legal disquisitions, which I hope to be able to show you have no more bearing on the question at issue than on the laws that govern spectrum analysis. He has indeed thrown the whole cast into Chancery, literally and figuratively. It shall be my effort to bring the case out of Chancery, and to try and clarify, if not dispel, the legal fog which Mr. Carson has succeeded in throwing round it. Now, I think I shall best bring before you my amendments and objections to the Draft Scheme by stating what I consider from the Deed of 1867, the Letters Patent of 1867, and

the Charter of 1659, which supply the legal evidence and data upon which we are to proceed, were the true objects and intentions of Erasmus Smith. I submit that those documents supply the real date and evidence as to his intentions, and that they are to be read in the light of the history of the times when they were made; and that, when so read, they leave no doubt whatever that the Erasmus Smith Endowment was left primarily for the education of children of tenants and labourers on his estates in Ireland, and twenty other poor children living upon lands within two English miles of the Schools in Tipperary, Galway, and Drogoboch; and, after those had been supplied, for the education of other poor children, without any religious test. Now, the 13th Section of the Act of 1885, under which you are acting, says, in its third paragraph:—

"Provided always, that where the founder of any educational endowment has expressly provided for the education of children belonging to the poorer classes, either generally or of a particular class, or within a particular area, or otherwise for their benefit, such endowment for such education, or otherwise for their benefit, shall constitute, so far as requisite, to be applied for the benefit of such children."

I say that if the founder of the Act of 1885 had specifically before his mind the case of the tenants of Erasmus Smith's tenants' children, and the other poor children specially mentioned and designated by Erasmus Smith, he could not have better safe-guarded their interests than by this paragraph of the 13th Section of the Act. For Erasmus Smith has been the "founder of an educational endowment"; that is admitted. He has, moreover, "provided for the education of children belonging to the poorer classes"; and "of a particular class," namely, the children of his tenants; and "within a particular area," namely, the area of his estates in Ireland, and within two miles of his Schools in Tipperary, Galway, and Drogoboch. On this point the Indenture of 1657, the Letters Patent of 1667, and the Charter of 1669, are as explicit as the Act of 1885; and Erasmus Smith has himself told us, and left on record, why he made this provision, namely,

"the great and ardent desire which he hath that the poor children inhabiting upon any part of his lands in Ireland should be brought up in the fear of God and good literature and to speak the English tongue";

and he directs how his intentions were to be carried out. He directs five Schools to be built; and he fixes the particular sites on which they were to be built; all were to be built upon his estates, or near them. He had not at that time, it is to be borne in mind, acquired all the estates he expected to get. He commands his trustees who were to build the Schools to give education to the children of all his tenants; for he says:

"And the intention of all parties to these presents is that the children of the poor tenants inhabiting on the lands aforesaid, and the children of such as are poor and live by their labour, are to be taught at the said Schools free and without paying anything for their teaching to the said Masters."

I should mention that he had appointed salaries for the Masters of the Schools. He then provides for University Education by giving University Exhibitions "to such of the said tenants on the said lands their children as shall be made fit for the University or Trinity College near Dublin"; and he directs that the children of his tenants are always to have the first claim on those Exhibitions. He says:

"Provided that in the first place the children of the tenants and inhabitants of the said land and other the lands of the said Erasmus Smith and his heirs in Ireland to be first provided for, and after them such as shall be educated in the said Schools being poor, and for want of such for the relief of such other poor scholars as in the judgment of the said trustees shall be held fit to receive the same."

Those are the provisions of the Deed of 1657, the Letters Patent of 1667, ten years afterwards, prescribe: that after the Schoolmasters shall have received specified sums—I find I made a mistake in saying that the salaries were fixed by the Indenture of 1657 they were not; they were fixed under the Letters Patent of 1667.

Mr. Boddy.—The Schoolmasters were allowed salaries of £40 a year under the original deed; you were right in that.

Rev. D. Hunguleya.—Yes; and the Letters Patent, following the Deed, provide that "the said Schoolmasters shall, without fee or reward, instruct the children of poor tenants dwelling on any of the lands aforesaid, or on any lands belonging to the said Erasmus Smith, or within two miles of the said Schools"; and afterwards it was provided

"that the Trustees shall employ all their revenue of said rents and profits in Persons or Exhibitions to such poor scholars to be educated in the said Schools as shall become students in the said University or Trinity College, not exceeding 38 a year yearly for one of each poor scholar, provided always that the children of poor inhabitants on the lands of Erasmus Smith, No. 100 and assigns, shall be preferred for the said yearly Persons or Exhibitions in the said College or University before any other."

The Charter of 26th March, 1669, after providing for the foundation of three Grammar Schools in Drogoboch, Galway, and Tipperary, ordains:

"That the said free schools shall, from henceforth forever hereafter, remain, continue, and be consecrated employed and used for free schools for the teaching and instruction of twenty such poor children or scholars who shall dwell or inhabit within two English miles of the said respective schools, and also for the teaching and instruction of all and every of the children of the tenants of the said Erasmus Smith, his heirs, executors or assigns, at what distance soever from the said schools such tenants shall dwell or inhabit, according to the true intent and meaning of these presents."

Now, according to these documents, the Indenture of 1657, the Letters Patent of 1667, and the Charter of 1669, Erasmus Smith has, in the words of the Act of 1885, "expressly provided," may, most expressly provided "for the education of children belonging to the poorer classes." The words "poor children," "other poor children," "such of the poor as live by their labour," and like expressions occur over and over again. In fact he has left his endowment exclusively for the education of the poor, except so far as any of the tenants on his estates may be rich. And here I would call attention to what I have seen in the evidence—the Lord Justice referred to it yesterday in his opening statement—that both he and the Vice-Chancellor and Lord Justice Fullerton were the son of any of the tenants on the estates of Erasmus Smith; I presume they were not "poor scholars," and I presume they were not educated at any of the schools. They have, then, directly violated the spirit and the letter of Erasmus Smith's intentions by holding those Exhibitions. Again, by an Act of Parliament called the "Transplantation Act," passed during Cromwell's government, in 1653, every Catholic was obliged to transplant himself to Connacht, on pain of death, except husbandmen not valued tenors than £10, labourers, and artisans. Now, that is very important upon a point that I have seen discussed. It has been stated again and again that the tenants of the Erasmus Smith estates are too poor, and do not require Grammer School Education. But that is directly contrary to the view of Erasmus Smith; because after the Act of Transplantation in 1653, no Catholic farmer was allowed on the estates if his valuation was £10 or upwards. These are farmers now on these estates whose valuation is £100; so that the class of children for whom Erasmus Smith expressly provided the education in those Schools was

inconsiderately below in the social scale the class now living on those estates. Not only was the class of children for whom he provided the education poorer than those now residing on the estates, but the education itself was of a higher class than that now given in the Schools; because he ordained that Hebrew should be taught in his Grammar Schools. That is a point to which I would specially direct the attention of the Grammarians. It will be admitted, and cannot be denied, that he provided education for the poorer classes. It is also evident, from the Act of Incorporation which I have quoted, that the class elements on his estates must have been lower in the social scale than those that occupy the estates now.

154. Dr. TRAHERN.—I do not catch your point as to Hebrew being taught.

Rev. D. Humphreys.—My point is that the tenantry, for whom he provided the education in the Grammar Schools, must have been, as a class, inferior in circumstances to the tenants that are on the estates now; and notwithstanding that, he ordained a higher form of Intermediate Education for them than that now given, because, in addition to Latin and Greek, he directed that Hebrew should be taught, which is not now taught in the Grammar Schools, and I do not know if it is well taught even in the University of Trinity College. He has provided especially for the education of "children belonging to the poorer classes," for children of a "particular class," namely, children of his tenants, and "within a particular area," namely, dwelling on his Irish estates, or within two miles of the schools. In fact, I do not think it would be possible to frame an Act of Parliament which would fit in better with the words of this Indenture of 1657, the Letters Patent of 1661, and the Charter of 1665, than the third paragraph of the 13th Section of the Act of 1885. I challenge Mr. Curzon, with all his legal knowledge, and his unrivalled power of language, to draft an Act of Parliament that would more securely protect the interests of the tenants of Erasmus Smith than this 13th Section of the Act of 1885. The 13th Section ordains that "when the founder of an Educational Endowment has provided for the education of children belonging to the poorer classes," in the manner in which Erasmus Smith provided for the education of the children of his tenants, and other poor children, "such endowment for such education shall continue, so far as requisite, to be applied for the benefit of such children." Therefore, the Erasmus Smith endowment must be applied for the benefit of the children of tenants on the Erasmus Smith estates, and other poor children of the class he mentions, so far as requisite. I may be allowed to say that this interpretation of the third paragraph of the 13th Section is the interpretation of Lord Justice FitzGibbons. In the Report for 1890-1891, at question 3044, page 173, speaking of the Ballyroon Endowment, Lord Justice FitzGibbons expressly gives this interpretation of the 13th Section of the Act. There were three places proposed for a school, Ballyroon, Abbeyfeale, and Maryborough. The founder had left the endowment for a school at Ballyroon; and Lord Justice FitzGibbons says:—"In framing schemes it is the duty of the Commissioners, with respect alike to the constitution of the Governing Body, and the educational provisions, to have regard to the spirit of the founder's intention, and in every scheme which modified any privilege or educational advantage to which a particular class of persons is entitled, whether as inhabitants of a particular area or otherwise, they shall have regard to the educational interests of such class of persons." And he said the school could not be established at Maryborough, because they were obliged to keep the endowment within the area prescribed, and to give the education to the children who lived in that area; and he said that if it was established at Abbeyfeale it might do, because the Ballyroon children could attend there, it being within three

miles distance, but they could not put it at Maryborough, because it would be too far away, and to put it at Maryborough would deprive the Ballyroon children of the benefit of the endowment. There was another observation made by Lord Justice FitzGibbons in that case, to which I wish to call attention. It was argued that only an indifferent school could be established at Abbeyfeale, but that an efficient school could be established at Maryborough. The Lord Justice replied that to establish an efficient school at Maryborough would be all very well; but it would not be carrying out the founder's intention, as he had left the endowment for the benefit of the people of Ballyroon. I beg to say that that argument applies to the High School in Harcourt Street. It has been said that it is a very efficient school. Well, suppose, for argument sake, that it is, although looking at the numbers, I don't see that it takes many prizes at the Intermediate Education Examinations; but granting the efficiency, according to the ruling of Lord Justice FitzGibbons, in the case of the Ballyroon endowment, it is in direct violation of the founder's intention, and therefore ought not to be continued.

155. Mr. Justice O'BRIEN.—Unless you yield to the argument that the Harcourt Street School has been founded principally, if not entirely, by means of what had been the private property of the Vice-Chancellor, or whoever preceded him in the office of Treasurer, and that he dedicated it to this school. You may contend, of course, that it continued to be part of the endowment, and governed by the general obligation to be expended in the locality.

Rev. D. Humphreys.—The Lord Justice said yesterday that there were legal difficulties about establishing the High School in Harcourt Street, but that those difficulties had been got rid of, by means of the Treasurer's poundage. I submit that the Board, in getting out of the legal difficulty, have got into a financial difficulty. According to the statement of the Vice-Chancellor, the Treasurer's poundage in 1885 was (Balance Sheet, 1885) £288 odd. Expenses in the pound would therefore make the annual revenue more than £11,000, whereas in their Scheme they put down the revenue as £5,000.

156. Lord Justice BURGESEY.—The Treasurer's poundage was accumulating for a considerable time, and was kept as a separate fund in the books.

Rev. D. Humphreys.—I submit there is another difficulty. By the Act of 1723 the Governors are entitled to keep twenty pupils in the Bandon Hospital; but by the expenditure of the poundage it is said they send ten more. The pension of each pupil is £15 a year, and ten times £15 is £150; so that if the Treasurer's poundage is £280, it would not be sufficient to support those ten pupils in the Hospital; £10 more would be required.

The Vice-Chancellor.—For the last twenty years the ten additional boys have been discontinued. Twenty is the number.

Rev. D. Humphreys.—Well, taking that to be so, I have another difficulty. They expended on the School a sum of £3,000; and at 5 per cent the interest on that, together with £800 a year which the Governors had to pay besides, would make up the expenditure to £1,100 a year. I should like to know how you could make £150 equal to £1,100! And, besides all this drain on their funds, I find they have accumulations of the Treasurer's poundage now amounting to £3,000 odd. In 1870 they had £20,000 in stocks, which they got principally by selling lands in Tipperary and Limerick. The Vice-Chancellor says they raised £5,000 by selling out stock. I have heard that that was illegal and against the constitutions of the trust. It appears they have wasted the money they got for the lands that were sold. It is certainly a financial difficulty, out of which I cannot see any loophole, that out of £200 a year they are able to pay £1,100. They must have been losing £1,000 a year for years.

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157. Dr. TRAILL.—How do you make out the figure £1,200 a year?

Rev. D. Humphrys.—They paid £5,000 for the site of the Harcourt Street school, and expended about £3,000 in building the schoolhouse, and also paid money for fitting up and furnishing the Head Master's house, which made the whole amount expended about £7,000, or near £8,000.

158. Dr. TARRANT.—Five per cent. on £8,000 would not be £1,200; it would be only £400.

Rev. D. Humphrys.—In 1873 the Vice-Chancellor said they were losing on the Harcourt Street School £800 a year, owing to the pupils not paying the expenses, and that they had to advance £800 a year towards it out of their incomes.

The Vice-Chancellor.—I never said any such thing. If it was said it would not have been true.

159. Mr. Justice O'BRIEN.—There was, at one time, apparently, a necessity to supplement it; but of late years a very small amount of the funds has been applied to the Harcourt Street establishment; in fact it is a self-sustaining and very successful school.

Lord Justice FREEMAN.—The precise figures do not affect the question as to whether the expenditures on the Harcourt Street School was outside the trust. There was, no doubt, a serious legal question as to that. But I think the £1,200 a year you mentioned just now was made up partly of money paid towards keeping up the School, and partly of interest on the capital expended in founding it.

Rev. D. Humphrys.—Yes. I do not use this argument against the Harcourt Street School, but I say that it was a direct violation of the founder's intention. I say also that it is impossible, out of £200 a year, the amount of the Treasurer's poundage, to pay the interest on £8,000, and also to pay £800 a year towards the support of the School, and in addition you have the fact that for some years there were ten additional boys maintained at the Blueskin Hospital. Therefore I say that the Vice-Chancellor and the Lord Justice, in getting out of the legal difficulty, are landed in a financial difficulty, out of which they cannot get. Now, the first argument which the Governors have brought against me is that the Catholic tenants on the lands of Erasmus Smith have not applied for education for their sons in those Schools. The Lord Justice, in examining the Vice-Chancellor, asked him had there been any application on the part of the Catholic tenants for free education for their children; and the Vice-Chancellor answered that there had not. I may as well read the question:

"Is there any record on your books that such an application was ever made by any Catholic tenant to the Governors for the free education of his children?"

Answer.—No."

Now, clearly, the Vice-Chancellor and the Lord Justice want to prove from that that the children of the tenants do not require this education. My reply is that they do require it, and that the only reason they did not apply to the Governors for it is, because they would not take it upon the conditions imposed in the Schools under the management of the Governors of the Erasmus Smith fund. They would not take education in a school which was presided over by exclusively Protestant masters.

160. Dr. TRAILL.—Erasmus Smith prescribed that the Schools should be under Protestant masters.

Rev. D. Humphrys.—He was compelled to do that.

161. Dr. TRAILL.—You will have to prove the compulsion.

Rev. D. Humphrys.—If you wanted to dine in a town, and there was no hotel in the town but one, the fact of your dining there would be no proof that you approved of the management of that hotel. In the same way, since Erasmus Smith, as I can prove from historical evidence, was compelled to have his Schoolmasters Protestant, and had no choice in the matter, that is no proof of what his real wishes and intentions therefore were. Now, the Vice-Chancellor

says that the endowment is not requisite for the tenants, because their children only require Primary Education, and they can get that in the National Schools, and therefore do not require the endowment. I have given an argument already in answer to that, taken from the Act of Transportation, which shows that the tenants on the estates were necessarily poorer then than they are now; and therefore I say this condition of the Vice-Chancellor is an express violation of the intention of the founder, because it was for the poor children on his estates that he intended the highest class of education. He distinctly orders

"in the first place, the children of the tenants of the said land and other the lands of the said Erasmus Smith and his heirs in Ireland to be first provided for, and after them such as shall be educated in the said schools being poor; and for want of such, for the relief of such other poor scholars as in the judgment of the said trustees shall be held fit to receive the same."

That expressly lays down poverty as an essential condition for getting these University Exhibitions in the case of all children except the children of tenants; no child who was not poor, or who was not one of his tenants' children, was to get an Exhibition. He laid down poverty as an essential condition for anyone getting one of these Exhibitions, unless he was the son of a tenant. I need not point out that these University Exhibitions were intended for a higher class of education than was given in the schools, so that he clearly shows that he intended the higher education for the children of tenants, as well as for other poor children.

162. Dr. TRAILL.—Were University Exhibitions at that time open to Roman Catholics?

Rev. D. Humphrys.—They were not; and Mr. Carson, founded an argument on that yesterday, that it was only Protestants could be made Fellows, and only Protestants could get Degrees & Exhibitions up to 1792; but my reply to that argument is that Erasmus Smith had no choice in the matter. It was just like the case of the hotel. He should either send them to Trinity College or leave them without University education at all. There was no other University in Ireland, so that he had a choice; therefore no argument as to his real wishes and intentions can be founded on that. But here again I wish to point out another material respect to which the express directions of Erasmus Smith have been violated by the Governors. These Exhibitions in Trinity College have been given to scholars who have not been (except a few) educated at all in the Erasmus Smith Grammar Schools, who were sons of tenants, and not poor scholars at all. Erasmus Smith expressly directed that the tenants' children were to get the Exhibitions first—they were to be preferred; the next persons who were to get them were "such as shall be educated in the said schools being poor"; and then, lastly, "for want of such, for the relief of such other poor scholars as in the judgment of the said trustees shall be held fit to receive the same." You will see that in the case the two latter classes they must be poor in order to be entitled to get the Exhibitions. But what have the Governors done? They have taken every the Exhibitions, first, from the children of the tenants; secondly, from the children educated in the Schools; and thirdly, from other poor scholars; because they give them to scholars who are able to pay £3 guineas a year for their board and education, or 17 guineas a year in day boys. And yet the Vice-Chancellor has said, over and over again, that the Governors are carrying out the intentions of the founder. Now, I have seen that, in a public speech delivered some months ago, Professor Mahaffy has taken the same view as the Vice-Chancellor.

163. Mr. Justice O'BRIEN.—You are hardly at liberty to quote his speech here; you might have one Professor quoted against another if you did that; as you had one judge quoted against another in a previous part of the argument.



to Erasmus Smith's intentions, would be entitled to free education in them; and there is a large portion of the estates near Falleen. Then, again, I ask for schools at Cashel; there is a great need for schools there for boys and girls, and also for a Technical School.

176. That would require a departure from the Scheme which was limited to three schools.

Rev. D. Humphreys.—I also ask for Intermediate Schools at Drumcondra, which is ten miles from Cashel. The estates of Erasmus Smith there are worth £700 a year. I contend that according to the express words of the Indenture, the Letters Patent, and the Charter, I am asking simply for what Erasmus Smith intended. After the figures I have given, I hope that the argument that the tenants do not require such education will be given up. Now, the next objection brought against my interpretation of the 13th Section is that, according to the founder's intentions, the Governing Body and the Masters of the Schools should be Protestants. The 13th Section says that

"in framing Schemes it shall be the duty of the Commissioners to have regard to the spirit of the founder's intentions";

and all the representatives of the Protestant denominations on the Commission, with the exception of Professor Dougherty, who is no longer a member of the Commission, held that that Section requires that the Governing Body of the endowments should be Protestants, and that the Masters should be Protestants. Now, my argument is that the Governing Body of this endowment should be a mixed body, and that the Masters should no longer be subjected to any religious test. I see, by the observations of Lord Justice FitzGibbon yesterday, that the law has been changed by the Draft Scheme which has been brought in since Lord Justice Neish and Lord Justice FitzGibbon brought in the resolution requiring that the Governing Body should be Protestants.

176a. Lord Justice FitzGibbon.—I did not say the law was changed; the law could not be changed by the change of persons on the Commission.

Rev. D. Humphreys.—That observation reminds me of a point which I had forgotten. The authority of Lord Justice Neish was quoted by Lord Justice FitzGibbon as being on his side of the question, and it was said that he agreed with Lord Justice FitzGibbon in holding that, according to the intention of the founder, the endowment should be under a Protestant body, but that there was a question as to which they were not agreed—namely, what should be the constitution of that Protestant body. Now, of course at first sight it appears a strong argument against the view I put forward, that Lord Justice Neish, a Catholic, and an eminent lawyer, who had been Lord Chancellor, should pronounce against it. But I respectfully submit that the question is to be decided rather upon historical than legal considerations, and I shall endeavour to show that Lord Justice Neish did not know the history of the times when Erasmus Smith gave this endowment, and that, if he had known it, he would have given a different opinion.

176a. Dr. TANKE.—It was laid very fully and ably before him by Mr. Carton.

Rev. D. Humphreys.—Mr. Carton gave no historical evidence, which is the real matter that should decide the point. I do not wish to reflect in any way upon Lord Justice Neish, but he was a Catholic who was educated at Trinity College; and as such I, at all events, would not, without knowing more about him, take him as a representative of Irish Catholics.

Dr. TANKE.—That reflection upon Lord Justice Neish is on a par with your reflection upon the Governors of Erasmus Smith's Schools, that they forged those documents.

Rev. D. Humphreys.—I will come to that later on. I said I would not reflect upon Lord Justice Neish.

Dr. TANKE.—You had better not have made that remark; every one who knew Lord Justice Neish had the highest opinion and respect for him.

Rev. D. Humphreys.—There are two classes of Catholics; one consisting of those who may be called "Protestant Catholics," who sympathise with Protestants, and the other of those who—

Lord Justice FitzGibbon.—You had better confine your observations to the question which you have raised as to the intention of the founder.

Rev. D. Humphreys.—I have been drawn into the discussion.

Lord Justice FitzGibbon.—To some extent you have; but it has now gone quite far enough.

Mr. Justice O'BRIEN.—I think you will find in the Memorandum that there was no final decision of Lord Justice Neish's opinion.

177. Lord Justice FitzGibbon.—I stated so yesterday. We were obliged to give directions for the preparation of the Draft Scheme, and we based those directions on the principle which we then thought applicable; both Lord Justice Neish and I then thought that it ought to be framed on the basis of a Protestant Governing Body. That was our opinion at the time; but I am not bound, nor, of course, is Mr. Justice O'Brien bound, by it; and I am sure my late colleague would deny, as I do, that direction of that sort, given for the preparation of a Draft Scheme, amounted to a judicial decision. Our judicial decisions are to be pronounced only on Draft Schemes after hearing the objections. We were of opinion at the time that, according to the intentions of the founder, the governing body ought to be Protestant; but on the second branch of the question, whether it should be open to various Protestant denominations, we did not come to any opinion, as we thought we should require further discussion and further evidence, before we could arrive at any opinion upon it.

Rev. D. Humphreys.—Of course it is an awkward thing for me to find that I am combating the opinion of two Lord Justices. I am not a biased lawyer.

178. Lord Justice FitzGibbon.—If you are right in saying that the question is one rather of historical than of legal knowledge, you are in no difficulty through not being a lawyer.

Rev. D. Humphreys.—I am very glad that the question of judicial decision has been given up, but the question of authority has not been given up and of course it is a serious thing for me to have to combat the opinion of two eminent judges of the land. It would appear that all the Protestant members of the Commission, with the exception of Professor Dougherty, thought that, according to the 13th Section of the Act, the Governing Body of the endowment should be Protestant, and the Masters Protestant, of course, that Protestant instruction should be given in the Schools, although they did not agree as to the constitution of the Board, whether it should include Dissenting denominations of Protestants. Now the interpretation of this 13th Section of the Act is to decide the fate of this Endowment. If the fundamental resolution of 6th January, 1881, upon which this Scheme has been drafted, is correct, there is of course no need of further argument on the point. If the Governing Body is to be a mixed body, as the resolution says it is, and if some of the Masters are to be Catholics, as that resolution says they are, and if there are to be no religious tests in the Schools, as that resolution says there ought not to be, then, so far as I can see, there is no further need of arguing the point. All I would then ask would be so to frame the Scheme as to bring home to all the tenants on the estates of Erasmus Smith, and to 20 other poor children in the vicinity of the Schools, the advantages of the Schools at Tipperary, Galway, and Drogheda, and the advantages of the other Grammar Schools which I hope to open in Ireland under this endowment. I should then that the intentions of Erasmus Smith will have been carried out to the letter, and what is of vast importance, the educational usefulness of the

endowment will be greatly increased, if the view expressed in that resolution is carried out; but as two of the Commissioners have dissentient from that resolution, it becomes necessary to argue it. Now, Section 13 of the Act of 1883 contains three distinct paragraphs; and I suppose it will be taken for granted that we cannot give to anyone of these paragraphs an interpretation inconsistent with either or both of the other two. Now, if the Governing Body of the endowment is to be exclusively Protestant, and if Protestant masters only are appointed in the schools, "the poorer classes of children," "of a particular class," and "within a particular area," for the education of whom that Endowment was intended, namely, the Catholic children of the tenants on the estates, and other poor Catholic children within two miles of the Schools, will not attend the Schools, and consequently no endowment will not be applied for their benefit. This is evident from the history of the Endowment. For the last 255 years Catholic children have not attended the schools, except in very small numbers, and for short times. It is also evident, from the statement of the Vice-Chancellor in your Report for 1885; and also from his evidence before the Commission of 1878-1879. At question 2322 the Vice-Chancellor was asked whether, if alterations were made in the management of the Schools, did he think the Catholic children would avail of them. In reply he says:

"I do not very much if say alteration in the rules would attract Roman Catholic scholars, because there is a strong opinion among Roman Catholics in this country against sending their children to be educated in schools under Protestant masters."

and the Vice-Chancellor repeated that opinion again in 1885. The history, then, of the Endowment for 255 years, and the opinion of its recognized head at the present time, both emphatically declare that, if the masters continue to be Protestant, Catholic children will not attend the schools. Now, I call special attention to the words which begin the third paragraph of this 13th Section of the Act of 1883: "Provided always." I maintain that those words qualify the two preceding paragraphs, one of which says that in framing schemes "it shall be the duty of the Commissioners, with respect alike to the constitution of the governing body and to educational provisions, to have regard to the spirit of founders intentions." I read the third paragraph in immediate connection with this. What does it say?

"Provided always," that is, at all times, and under all circumstances, "that where the founder of any educational endowment has expressly provided for the education of children belonging to the poorer classes, either generally or of a particular class, or within a particular area, or otherwise for their benefit, such endowment for such education, or otherwise for their benefit, shall continue, so far as required, to be applied for the benefit of such children."

133. Dr. TRAHL.—There would be no inconsistency between those two paragraphs if the Governors remain Protestants, provided some arrangement were made by which Roman Catholic children could get its benefit.

Rev. D. Humphry.—No arrangement could be made by which they would get the benefit.

134. Why so? Why is there such a difficulty as that?

Rev. D. Humphry.—I will tell you that later on. Now, as I was saying, the first paragraph of Section 13 must be read in connection with the third paragraph.

135. You call them "paragraphs" which would appear as if they were distinct; that is not so.

Rev. D. Humphry.—Then I will call them clauses; it does not affect the argument in the slightest. How does the matter stand?

"In framing Schemes it shall be the duty of the Commissioners, with respect alike to the constitution of the governing body and to educational provisions, to have re-

garded to the spirit of founders intentions: Provided always, that where the founder of any educational endowment has expressly provided for the education of children belonging to the poorer classes, either generally or of a particular class, or within a particular area, or otherwise for their benefit, such endowment for such education, or otherwise for their benefit, shall continue, so far as required, to be applied for the benefit of such children."

Therefore we cannot give the first paragraph any interpretation that would cause the Erasmus Smith Endowment not to be applied for the benefit of the children of tenants, and other poor children within two miles of the Schools. But if you make the Governing Body Protestant, and the teachers in the Schools Protestants, you will cause an endowment, which was founded for the education of the children of tenants on the estates, or within two miles of the Schools, not to be applied for their benefit. Now, Lord Justice FitzGibbon will, no doubt, in objection to that, refer me to the letter of Erasmus Smith, dated 6th June, 1682, in which he says:

"If persons will exclude their children, because prayers, catechism, and exposition is commanded, I cannot help it, for to remove that bane is to make them scurvyaries of Popery."

I deny that that letter is genuine, and I say it ought not to be admitted as evidence in this Court. A coach and four, and not only a coach and four, but a coach and twenty-four, were driven through the rules of evidence before the Times Commission; yet even they drew the line somewhere. For instance, against the repeated protests of Sir Charles Russell, witnesses were allowed to say again and again what they had heard a second person say a third person had stated. Still, as I have said, they drew the line somewhere, and even the Attorney-General for England would not admit as evidence the letter alleged to have been written by Mr. Thomas Brewster.

132. Lord Justice FITZGIBBON.—It is right to tell you, with regard to that letter of 6th June, 1682, for this is a matter on which both Mr. Justice O'Brien and I agree, that according to the strictest rules of law, that letter is evidence. It appears in a minute book regularly kept by persons in the discharge of their duty, and in their custody; and it is such an ancient document that no living person can be called to speak upon it. According to the rules of law applicable to documents of such a description, it is evidence. Speaking for myself, I think that the idea that that letter did not in fact exist, and that it is a forgery, is a very wild suggestion. If we were to go into internal evidence, I can hardly conceive anything more natural than this letter in its mode of expression; it appears to me to be quite consistent with all the other documents and facts in the case. I tell you this, with the full concurrence of Mr. Justice O'Brien.

Mr. Justice O'BRIEN.—It is certainly legal evidence.

133. Dr. TRAHL.—Father Humphrey, do you know who were the Governors of the Schools at that time, and present on that occasion? They were the Primate of Ireland, the Provost of Trinity College, and Colonel Bankey, one of the original trustees.

Rev. D. Humphry.—What evidence have you of that?

134. Dr. TRAHL.—The Minute Book. The same kind of evidence that, if you claimed title to an estate 200 years old, you would produce, namely, ancient documents and deeds conferring the title.

Lord Justice FITZGIBBON.—It is important to observe that the document in this case comes from the proper custody. The proper custodians of the Minute Book are the Governors; they have had the custody of the book since 1687.

Rev. D. Humphry.—Then the proper custodians would be the persons who had an interest in forging the letter.

Lord Justice FITZGIBBON.—The persons to whom the letter was addressed were the proper custodians of it in point of law.

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185. Dr. TRAILL.—Quite independent of the law, how could you suggest for one moment that such men as the Primate of Ireland, the Provost of Trinity College, and Colonel Bankey would be guilty of such a desperate crime as to get this thing forged?

Rev. D. Humphrys.—Colonel Bankey has been accused of another crime.

186. Mr. Justice O'BRIEN.—We cannot allow this matter to be entered into at all.

Rev. D. Humphrys.—Will you allow me to answer the question?

187. Mr. Justice O'BRIEN.—No; leaving out of the question the personal character of the persons whose names are signed to that document, what motive could you suggest for their having it fabricated?

Rev. D. Humphrys.—The motive I was going to suggest was this: that the Governors of the Erasmus Smith Schools had, against the express direction of Erasmus Smith, taken the endowment altogether from the children to whom he left it, and given it to other children, and it was necessary to save themselves by forging this letter.

188. Dr. TRAILL.—But Erasmus Smith was alive at this time.

Rev. D. Humphrys.—Excuse me, Dr. Traill, the question is—Did Erasmus Smith write that letter?—I say it was necessary for the Governors to save themselves by forging the letter.

189. And that they forged it in Erasmus Smith's lifetime, for he did not die till 1691?

Rev. D. Humphrys.—Those Minutes were drawn up by persons who had an interest in forging the letter. That interest is clear. The management of the institution, since the time of Cromwell, has been a perpetuation of Cromwell's conduct. The Governors were left this property by Erasmus Smith for the benefit of the children of the towns.

190. And you think that the Primate and the Provost of Trinity College were parties to a forgery?

Rev. D. Humphrys.—That is my opinion.

Dr. TRAILL.—Very well; I merely wanted to know if that was your opinion, and to have a record made of it in the report of our proceedings.

Lord Justice FROGMORE.—In my opinion, to suggest that this is not a genuine document, is a very wild suggestion. Look at the Minute Book in which it appears, and which is legal evidence according to the strictest rules, and you will see that the very reverse of what you suggest was the real state of affairs, because the Governors appear to have been doing what they could to bring in the towns' children, and to bring in Roman Catholic pupils; and Erasmus Smith's letter, which you now suggest he never wrote, appears to have been an answer to some communication which the Governors had sent to him, with the view of getting his leave to do the very thing that you say they forged the document to avoid doing. There is legal evidence of the letter; there is no evidence to the contrary; and you must deal with the case on that basis.

Rev. D. Humphrys.—You say there is evidence in the letter itself of its genuineness. I respectfully say there is evidence in the letter itself that it is a forgery. It is stated in the letter that the Erasmus Smith Schools were starved by reason of the number of Roman Catholic Schools which existed at the time; but that is in direct conflict with the history of the times.

191. Dr. TRAILL.—What is your evidence of that?

Rev. D. Humphrys.—The persecution of the Catholics. At that time the Catholic Schoolmasters were hunted like wolves; and therefore there could not have been a number of Catholic Schools in the neighbourhood of those of Erasmus Smith.

192. Lord Justice FROGMORE.—As bearing on that proposition, and in reference to the history of the time, the letter is very interesting and important. If Erasmus Smith knew anything at all about the condition of the country at the time he gave this property,

he must have been satisfied that his intention was capable of being carried out. It is impossible to conceive that he would have given his property to establish Grammar Schools in Ireland, unless he thought that the people would avail themselves of them.

Rev. D. Humphrys.—I entirely agree with you in that. Of course he gave the property with the intention that the Schools should be taken advantage of. But I say it is altogether inconsistent with the history of the times to say, as is stated in that letter, that there were many Catholic schools in the neighbourhood of his Schools; because, at that time, as I have shown, every Catholic schoolmaster was compelled, on pain of death, to transport himself to Connacht.

193. Mr. Justice O'BRIEN.—Take care that the argument from history will not tell against you. The letter was written in 1683, when there was a growing feeling of encouragement towards Catholics, under the influence of which Catholic schools would be likely to be established at that time.

Rev. D. Humphrys.—I can give you evidence to show that the Catholics had to set up their schools in bogs, and the students had to live in huts around them.

194. It was at that very time, almost, that there was a Catholic Provost of Trinity College—the Rev. Dr. Moore.

Rev. D. Humphrys.—That was in the time of James the Second; this letter was written some years before that.

195. Yes, but Dr. Moore must have got his education some time previous to the reign of James the Second. It is entirely an error to suppose that there was not a great deal of Catholic education at that time. Even when the laws against Catholics were most severe, in the time of Elizabeth, the country was full of scholars of the Roman Catholic persuasion.

Rev. D. Humphrys.—Looking at the fact that the Catholics were ordered by Cromwell's Act to transport themselves to Connacht or some other place, on pain of death, I don't think it is possible that there could have been many Catholic Schools around the Schools of Erasmus Smith. But now, taking the letter as genuine, I will reply to it.

196. That is quite right. Taking the letter as genuine, you may have a great deal to say with regard to it, on many grounds.

Rev. D. Humphrys.—Taking the letter as genuine, I say the express words of the Act of 1683, passed 203 years after it, overrule and annul it. I do not see how that can be disputed, because if the Act of 1723 overruled and annulled the intentions of Erasmus Smith, and engraven upon his endowment 144 English Schools throughout all parts of Ireland, entirely outside the districts where his estates lay, and so endowed the Bluecoat Hospital largely, and Trinity College largely; if the Act of 1723 did that, I can see why the Act of 1683 is not to put aside this letter of Erasmus Smith, and annul it.

197. Dr. TRAILL.—The Act of 1683 says you as to have regard to the spirit of founder's intentions.

Rev. D. Humphrys.—I am not dealing with that; I am dealing with the letter of 6th June, 1683, and my argument is, first, that the Act of 1723 set aside and annulled the intentions of the founder.

198. You are wrong in that. It did not set aside his intentions at all. There was then a large surplus, and the Act was necessary to enable the Governor to deal with it.

Rev. D. Humphrys.—What was the meaning of the Act of Parliament, if it was simply to carry out his intentions? If the object was merely to carry out the intentions of Erasmus Smith there would have been no necessity for an Act of Parliament.

199. The Governors wanted power to dispose of the surplus.

Rev. D. Humphrys.—Precisely so; and as an Act of Parliament was passed to set aside Erasmus Smith's intention and give them that power.

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202. Not to set aside, but to carry out his intention; the Act was passed to legalize their action.

Rev. D. Humphrys.—Yes; therefore their action was illegal before that.

203. Not at all; there was a considerable surplus over and above what was contemplated by Erasmus Smith, and the Act was passed to enable them to deal with it.

Rev. D. Humphrys.—My argument is that if the Act of 1723 set aside the intentions of Erasmus Smith, as to extend the endowment to 144 English Schools, his Bluecoat Hospital, and to Trinity College, surely dates of 1885, in so far as it clashes with that letter of 26 June, 1882, must set it aside also. If the Act of 1723 set aside the intentions of Erasmus Smith, as to extend the endowment to 140 English Schools, his Bluecoat Hospital, and Trinity College, the Act of 1885 set aside the letter of Erasmus Smith dated 26 June, 1882, in so far as that letter is inconsistent with the Act of 1885. The third clause of the 13th Section of the Act of 1885 is most distinct, and admits of no exception. It begins, "Provided always," that is, in all cases and at all times. Reading that paragraph in connection with the previous part of the Section, the meaning is that in framing schemes, the Commissioners shall have regard to the spirit of the founder's intentions as to the constitution of the governing body and educational provisions, but provided always, that where the founder has expressly provided for the education of children belonging to the poor classes, either generally or of a particular class, or within a particular area, such endowment shall suffice to be applied for the benefit of such children. Now I say is, that those words overrule and control the first clause of the Section; and that the meaning of those two clauses, when read together, is that in framing schemes the Commissioners shall have regard to the spirit of the founder's intention, but that where the endowment is for the benefit of a particular class of poor children, as it is here, the endowment must be applied for the benefit of such children.

203. Dr. TRAILL.—That is not inconsistent with a Protestant Governing Body.

Rev. D. Humphrys.—Yes, it is, because Catholics will go to schools where the governing body are Protestants and the Masters Protestants; the children will not avail of such schools; so that to have regard, in that respect, "to the spirit of the founder's intentions" would take away the endowment from the persons for whom he intended it. I say the third paragraph of the 13th Section is the modern charter of the inalienable rights of the tenants' children to this endowment. Mr. Carson appears to have forgotten the existence of this clause; he has sailed round it most majestically. That third clause of the 13th Section is most distinct, and admits of no exception. Nothing less than another Act of Parliament could take away from the children of the tenants of Erasmus Smith's estates their birthright so clearly and distinctly secured to them by that clause. That argument appears to me to be decisive that such a Governing Body ought to be established, and such Schools ought to be provided, as would enable the Catholic tenants on the estates and other poor children in the vicinity of the schools, to avail themselves of the education offered in them. But one of the most extraordinary things in connection with the discussion on this subject is the manner in which the Protestants seek to give to those vague and shadowy words, "the Commissioners shall have regard to the spirit of founder's intentions" They try upon those words to take away an endowment of over £10,000 a year from the rightful owners, and to give it to strangers who have no claim whatever to it, and most of whom do not require it. In the first place, I call the attention of the Commissioners to the fact that the Section does not speak of "founder's intentions," but the "spirit of founders' intentions," a far more vague and shadowy expression.

203. Dr. TRAILL.—Tell us what your own opinion is as to the spirit of his intentions.

Rev. D. Humphrys.—I will, later on. In the second place, the Section does not speak of the founder's religious intentions. It is a remarkable fact that in the Section 13, upon which Protestants ground their argument to take away this endowment altogether from the children of the tenants, on religious grounds alone, there is not a single word about religion. It does not speak of religious intentions. Erasmus Smith may have had, and doubtless had, various intentions in founding the endowment. He may have had benevolent intentions, educational intentions, religious intentions, political intentions, self-seeking intentions, which he certainly had, as is proved by the Act of Settlement, Sec. 16, which provides for his getting land in Dreglock, and the King held down as one ground of his getting those lands that he might be able to carry out his benevolent intentions of founding free Schools. Now, I ask my Protestant friends, this being so, what right have they to say that the first clause of the Section refers exclusively, or even primarily, to religious intentions? The case of proving that it does so refers lies upon them. The third clause of Section 13 states, as clearly as words are capable of stating it, that the tenants' children on the estates and other poor children in the vicinity of the schools, are entitled to the benefit of this Endowment; and before my Protestant friends can take it away from them, they must give proof equally clear that the first clause of the Section refers to the religious intentions of Erasmus Smith; and even if they prove that (which I say they cannot), they will not have advanced very far, for even then I say that they cannot, by the shadowy and ambiguous phrase, "the Commissioners shall have regard to the spirit of founder's intentions," take away the clear right of the children of the tenants to the benefit of the Endowment as secured to them by the third clause of the Section.

204. Dr. TRAILL.—The Section speaks of the constitution of the Governing Body and the educational provisions; you have not given the slightest attention to the founder's intentions as to the constitution of the Governing Body.

Rev. D. Humphrys.—I have; and if you had attended to what I have said you would have seen that. I contend that to make the Governing Body exclusively Protestant would take away the Endowment altogether from the children of the tenants, to whom it was given in the most explicit terms by the founder, and whose right to it is secured by language equally clear, in the third clause of Section 13 of your Act. I defy any man to draft a clause which would more clearly secure these rights. Can any one suggest the change of a word in that clause, or that any words could be added that would make the right more distinct? It is a well-recognized principle, in the interpretation of the Sacred Scripture, that where there are two texts referring to the same subject, one of which is clear, distinct, and unequivocal, and the other vague, indistinct and ambiguous, that the ambiguous text is to be interpreted according to the clear text, and not to the clear text according to the ambiguous one.

205. Dr. TRAILL.—What is the ambiguity in saying you are to have regard to the spirit of founder's intentions with regard to the constitution of the governing body?

Rev. D. Humphrys.—I say nothing could be more ambiguous.

206. What is the ambiguity?

Rev. D. Humphrys.—Because it is ambiguous. If that phrase is not ambiguous I don't know what ambiguity is. I do not see how you could frame a more shadowy phrase.

207. I wish you would tell me what you consider his intentions were in that respect!

Rev. D. Humphrys.—I will tell you later on.

**Dr. TRAILL.**—You are always saying you will do it "later on."

**Rev. D. Humphreys.**—Now, I speak under correction when I say I presume the same principle that applies to the interpretation of the Sacred Scripture applies also in the case of the interpretation of legal documents. If there are two statutes bearing on the same subject, or two clauses in the same statute bearing on the same subject, and one is ambiguous and the other clear, I say we are to interpret the ambiguous clause according to the meaning of the clear part of the statute, and not, as Dr. Trall would have us do, interpret the clear part of the statute according to the ambiguous part. I hold, then, that we are to interpret the first clause of the 13th Section, which is ambiguous, according to the clear meaning of the third clause, which is not ambiguous, but distinct and explicit. Therefore I say we are not to give any meaning to the first clause which would make the third clause nugatory.

208. **Lord Justice Fitzgerald.**—You might avoid controversy if instead of "ambiguous" you said "general" or "vague."

**Rev. D. Humphreys.**—Then I say the first clause is general and vague, and that the third clause is distinct, clear, and specific.

209. There is no doubt that the principle which you have stated is applicable to the interpretation of legal documents.

**Rev. D. Humphreys.**—Thank you, my Lord. Now, I say that proves that you cannot constitute the Governing Body in such a way, or put such Masters in the Schools as would take away the Endowment from the children to whom it has been left. The Vice-Chancellor's scheme is therefore altogether out of court. But what do the Governors of the Erasmus Smith's Schools say? They say that the Catholic children on the estates are not to get their share of the Endowment, because they will not submit to be instructed in the Protestant Catechism, which they allege was intended by Erasmus Smith; and yet what do we find? The Vice-Chancellor tells you that in point of fact they do not give Protestant instruction to Catholic children attending the schools. That was proved by the Vice-Chancellor in his evidence before the Commission, when he stated that Protestant instruction was not given to any Catholics who attended the Grammar Schools.

210. **Mr. Justice O'Byrne.**—If you can show that, upon the legal construction of part of Section 13, there is an inconsistency involved, by reason of the reluctance of Catholic children to attend schools under Protestant management, and if you can make out that that inconsistency is provided for and removed by the other part of the Section, you will go a considerable way towards maintaining your argument.

**Rev. D. Humphreys.**—The Governors have themselves withdrawn the religious instruction in the case of Catholics attending the Schools; and the Vice-Chancellor has left it out in his new Scheme. Thus they themselves prove, and I challenge them to deny it, that as long as they are allowed to keep the endowment in their own hands, they care nothing for what they allege was the primary intention of Erasmus Smith, namely, to make the Catholic children say Protestant prayers, and bear the Bible explained in a Protestant sense. They say that they fulfil the intentions of Erasmus Smith by giving Protestant instruction to the Protestant pupils; but that by teaching the Protestant pupils the Protestant Catechism, and reading the Bible, and expounding it to them in a Protestant sense, they are carrying out the intentions of the founder. But I say that they can fulfil those intentions equally well under the scheme I suggest; because by that scheme it is provided that religious instruction is to be given to the children, the Protestants to get Protestant instruction, and the Catholics to get Catholic instruction; so that that is no reason for objecting to my scheme. The object they seek to

reinforce, namely, Protestant instruction for the children of Protestants, will be accomplished equally by my scheme, which contemplates that Protestants shall receive Protestant instruction, and that Catholics shall receive Catholic instruction. I am, moreover, informed that the Governors have actually done this already in some of their Schools, that the Catholic Catechism was taught in one of their Schools in 1851, although that was, at all events, a violation of what they allege to have been the intention of the founder. Therefore, on their own showing, they admit that the intentions of Erasmus Smith would not prevent Catholic education being given to Catholic children; and if that is so, what, I ask, is there to prevent that being carried out by a mixed Board? What is there to prevent the Endowment from being managed by a mixed Board, and so made available for the children who are entitled to it, without any religious test? I submit that you ought to settle the question; and I challenge my Protestant friends to give a reply to it. I would call attention on this point to the statement made yesterday by Mr. Carson; he said they were willing either to accept a Conscience Clause, or to withdraw it. That is to say, so long as they are left in the management of the endowment, they don't care who were the intentions of Erasmus Smith. All they want is to be continued in the management.

211. **Dr. TRAILL.**—Was not that, at all events, in intention of Erasmus Smith, that the Governing Body should be Protestant?

**Rev. D. Humphreys.**—I say he was compelled to do that, and that otherwise he would not have got the property, as I hope to show later on. My argument is, that if a Protestant Board, with Protestant Masters, can hold the Endowment without giving Protestant instruction to Catholic children, as the Vice-Chancellor says they do, why should not a mixed Board, with mixed teachers, equally carry out the intention? They say the Governing Body was a Protestant, but that that Protestant Body can hold and manage the Endowment without giving Protestant instruction to the Catholic children; and that is doing that they fulfil the founder's intention. I say that it is a most extraordinary position to take up. But what makes it more extraordinary is, that if there was a Catholic Board, or a mixed Board, the education would be given to the children for whom Erasmus Smith intended it; but under the Protestant Board it is given to those for whom he did not intend it, and who have no claim whatever to it. Again I ask, if Protestant instruction is not given to Catholic children in the Schools, what need is there for insisting that the Masters shall be Protestant? It is contended that Protestant Masters are better able to impart secular instruction than Catholic masters? If the Board will not give Protestant instruction to the Catholic children in the Schools, there is no meaning whatever in insisting on exclusively Protestant Masters. Again, is it contended that an exclusive Protestant Board will manage the estates better, and promote education better, than a mixed Board?

212. **Dr. TRAILL.**—Would you be ready to apply the same arguments to endowments left by Catholic founders?

**Rev. D. Humphreys.**—If they were left under the same circumstances, yes; if left under altogether different circumstances, no. Now, as to the point I have asked, is it contended that a Protestant Board will manage the estates better than a Catholic or mixed Board? It is a mixed Board I am considering for. Let us examine the question in the concrete, and by the light of experience. The present Board and the Board for the last 225 years, has been a Protestant one. How have they managed the property? They have allowed it to be sold. Before the Commission of 1858, Dr. Collins, of Ennis, gave evidence that property of the value of

220. a year in Clare, which formerly belonged to me estate, had been taken away.

221. Dr. TRAHL.—Did he state in what way?

Rev. D. Humphry.—He did not, but there was no account of it; it was gone. I can myself form an idea how it was gone, from what has recently come under my own knowledge. I have a map here of the Erasmus Smith property in Tipperary, and of the Smith-Barry property. The Erasmus Smith property is marked green, and the Smith-Barry property is marked orange; and you can see how the Erasmus Smith property is left in little patches, surrounded in one case almost entirely by the Smith-Barry property. Of course it is clear that Erasmus Smith never could have left his property in portions like that. It is clear that since his time the property must have been given away. I saw a year ago how the thing was done. The fair green of Tipperary was a common, and it is a common. It is situated between the Erasmus Smith Grammar School and the Erasmus Smith English School. The fair green lies between those two schools, and there is a plot of land attached to each. That plot clearly must formerly have belonged to the Erasmus Smith property; but for years it has been a common, and a few years ago Mr. Smith-Barry's agent built a wall round it, and put up a gate; but by advice of Mr. Keeney, the agent of the Erasmus Smith property, the tenant who lives in the English school broke down the gate, and Mr. Smith-Barry's agent took no further notice. Upon that fair green a man built a house, and got a lease of it from Mr. Smith-Barry a few years ago.

222. Mr. Justice O'BAIRN.—You must take care not to involve this Commission in a conflict with another tribunal. I take it that you are using this argument merely to show that the body who have had the management of the property have not managed it successfully. Suppose we took that for granted, that the property was not managed well formerly—it has latterly been under the management of the distinguished person who has devoted more time and thought to the interests of others than many persons devote to their own private affairs—I do not see what argument you can draw that a mixed Board would manage the property better.

Rev. D. Humphry.—That is precisely what I propose to prove, that the agent of the Smith-Barry property gave a lease to the man who built a house on the fair green. In the Vice-Chancellor's court that lease was put in as evidence of title and accepted.

223. We cannot go into any question of that kind. It is entirely irrelevant to the matter we have before us. There may be a great deal to be said against your statement; and, in any case, it would involve a great deal of dispute and hostile recrimination. We will say it that you allege that the property has not been efficiently or successfully managed by the Governors.

Rev. D. Humphry.—Yes, and in proof of it I may portions of it have been stolen. I say the Governors have wasted and misappropriated the magnificent educational endowment of which they had charge. Take the figures given by the Vice-Chancellor himself, as to the Treasurer's poundage. In the balance sheet for 1883, that pounds was set down at £396 12s. That, at sixpence in the pound on the gross income, would make it £11,544; but the Vice-Chancellor stated in 1886 that the net value of the property was only £8,000. There is, therefore, a difference of £3,544 between the gross and net income, or about 30 per cent. That certainly does not show very judicious management of the property. Now, owing to the educational results of the Endowment, according to the Report of the Commission in 1854, there were in all the Schools only 160 boys, although the accommodation was for over 900.

224. When was that?

Rev. D. Humphry.—That was stated before the Commission of 1854-1855.

225. In how many of the Schools?

Rev. D. Humphry.—In all the Grammar Schools; that there were thirty five boys, and 160 altogether, in the Schools.

226. Dr. TRAHL.—Were those 160 boarders?

Rev. D. Humphry.—I think they included boarders and day boys.

227. When you say there was accommodation for 900, do you mean for 900 boarders?

Rev. D. Humphry.—The Report does not say that.

228. Do you mean in the Grammar Schools only?

Rev. D. Humphry.—Yes.

229. Mr. Justice O'BAIRN.—There could not have been accommodation for 900 boarders; it must mean all classes of pupils.

Rev. D. Humphry.—The use I make of it is this: to show you that the educational advantages of the Endowment have been wasted away by the management of the Board; they have wasted and misappropriated this fine Endowment, which was given for the Intermediate education of the children of tenants of the Erasmus Smith property.

230. Mr. Justice O'BAIRN.—You might not unreasonably attribute the small number of pupils in the Schools to the fact that, as Erasmus Smith stated, "the scholars starved the tree"; that other schools drew the pupils away from them.

Rev. D. Humphry.—I say that these schools ought to give free education to the children of the tenants, who were obliged to starve the tree at their own expense. There were in the Schools only about one-fifth of the number of boys they were intended to accommodate. The Tipperary School had to be discontinued for want of pupils.

Dr. TRAHL.—The Tipperary school has been very full lately.

Mr. CARSON.—Yes, the Tipperary School is a very successful and efficient school under Mr. Flynn. There were ninety in it a short time ago.

Rev. D. Humphry.—It died in 1875 for want of pupils; and it was revived by closing the Protestant Intermediate School at Newport, and drafting into it forty-four of the Newport boarders. Now, there is another point to which I ask the attention of the Commissioners. It has been said by Mr. Carson that the primary object of Erasmus Smith was to proselytise the children of Irish Catholics. Well, as to whether it was his primary object or not, I will leave that an open question, but taking it to be this object, how has he succeeded? It appears by the Report that there were in all the Grammar Schools but twenty-three Catholic boys; that is the result of the Erasmus Smith crusade against Popery for more than 200 years.

231. Mr. Justice O'BAIRN.—Only twenty-three Catholic pupils in all the Grammar Schools!

Rev. D. Humphry.—Yes. Now, let me show you what the Catholics have done. You will remember that in 1875 the Tipperary Grammar School of Erasmus Smith had to be closed for want of pupils. Its endowment at that time was £473 a year; that is, £200 a year to pay masters, and the value of the school buildings, and the land attached, was set down as £275; and notwithstanding that £473 a year endowment, the school had to be closed for want of pupils. What did the Catholics do? At Lattin, in the immediate neighbourhood, four miles distant from Tipperary, the Rev. Matthew Ryan, o.c., opened an Intermediate School, and for nearly three years the average attendance was 40; and in 1882 it was 47. He afterwards had to give it up, because having charge of a large and populous parish, he found he could not give the necessary attention to it.

232. That school is not in existence now!

233. Mr. Justice O'BAIRN.—

1880, 11, 128.

**Rev. D. Humphreys.**—No; there is a school at Portlaoise. Father Ryan had to give up the school at Lismore, as he had not time to attend to it.

**224 Dr. TRAHL.**—What was the number of boys attending the Erasmus Smith School at Tipperary at that time?

**Rev. D. Humphreys.**—None at all.

**225 Do you mean in 1881?**

**Rev. D. Humphreys.**—No, but in 1875.

**226 Give us the number in 1881?**

**Rev. D. Humphreys.**—I cannot give you that; I have not got it. I have told you that when the Tipperary School was closed for want of pupils the Rev. Mr. Lindsay, the Master of the Newport School, closed that school, and went to the Tipperary School, taking forty-four boys from the Newport School with him to Tipperary.

**227 Mr. Justice O'BRIEN.**—Was the Newport School a Grammar School?

**Rev. D. Humphreys.**—Yes.

**228 Was it closed when Mr. Lindsay left it?**

**Rev. D. Humphreys.**—Yes; it was afterwards converted into a barracks during the Land League agitation. That is another illustration of the little demand there is for Protestant education.

**229 Lord Justice FIRTH-GUNNISON.**—The Newport School was not an Erasmus Smith's School at all.

**Mr. Wright, Q.C.**—The Tipperary School was never closed. In consequence of the death of the Head Master, it ceased to be carried on for a short time, until a new Master was appointed, but none of the Schools were ever closed.

**Mr. Justice O'BRIEN.**—Mr. Humphreys says it was closed in 1875 for want of pupils.

**230 Lord Justice FIRTH-GUNNISON.**—That is a mistake. There was an inquiry into the management of the school, it was reported as unsatisfactory. A new Head Master was appointed in 1875, and in 1880 it was reported as the most satisfactory of all the Grammar Schools; there were then seventy-five boys in it; and as the School had only accommodation for fifty, the Master had to take additional accommodation for the remaining twenty-five boys.

**Rev. D. Humphreys.**—The point to which I wished to direct attention is that of the two schools, distant eighteen miles from each other, one had to be closed, because there was not sufficient demand for Protestant Intermediate Education to keep both open.

**231 Lord Justice FIRTH-GUNNISON.**—There is a passage in the Report which explains how you came to think that the School was closed. It says that there was not a single boarder in the School, and only twenty-one day pupils on the roll. That was in 1875.

**Rev. D. Humphreys.**—Yes, and those twenty-one day pupils did not attend.

**232** There was evidence as to that. The school undoubtedly got into a very inefficient state under the old Head Master, and the Report says that the Governors were taking steps to remedy it. On the death of the old Head Master they appointed Mr. Lindsay, and during his time the school became very flourishing. He had been the Master of the Newport School; and you are of course entitled to argue that there was not a supply of Protestant pupils sufficient to keep up both the Newport and Tipperary Schools. Very probably it was because Mr. Lindsay had made the Newport School so successful that the Board appointed him to the School at Tipperary. But the Erasmus Smith Board had nothing to do with the Newport School; it was one of "the suckers that starved the tree."

**Mr. Justice O'BRIEN.**—The "suckers" to which Erasmus Smith referred were Popish schools.

**233 Yes; but Mr. Lindsay's school no doubt drew away boys from the Erasmus Smith's School.**

**Rev. D. Humphreys.**—The boarders at that School were not from that part of Ireland at all, but came from other parts of the country; and when the Tipperary School, which had no pupils, was re-opened by

Mr. Lindsay, he imported into it 44 pupils from X., port. It was closed for want of pupils, and when Mr. Lindsay got it he brought 44 pupils into it from his school at Newport.

**234 Mr. Justice O'BRIEN.**—You are not quite accurate in saying it was closed for want of pupils; it was closed for a while in consequence of the death of the Head Master, until a new Master was appointed.

**Rev. D. Humphreys.**—Yes; but previous to it had been without pupils.

**235 Dr. TRAHL.**—Every school is subject to vicissitudes of that kind.

**Rev. D. Humphreys.**—My point is that this School of Tipperary, though it had an endowment of £473 a year, could not be kept going except by closing the School at Newport, and bringing in front that being 44 boarders, who were not from Tipperary, nor from Newport, but from other parts of Ireland. I say it is not fulfilling the object of the foundation, as the Tipperary School was intended for the benefit of the children residing in the locality. Is in the case of the Royal Schools what happened? The Commission set aside £1,000 a year out of that endowment for prizes for schools in Ulster, to give an encouragement and stimulus to education all over that province, by the Privy Council overruled that, and on what ground? On the ground that the inhabitants of the Fermanagh district, were entitled to the endowment, and that could not be taken from them. The Privy Council set aside the wholesome recommendation of the Commission to give £1,500 as a stimulus to all the schools in Ulster, a laudable and useful purpose; but the Privy Council changed it, because they believed the people of Fermanagh were entitled to the money. I am glad to find the principle admitted and acted on by the Privy Council, as I will find it useful later on. But what was done in the case of the Tipperary School? Mr. Lindsay, who had a flourishing school at Newport, imported 44 boarders, drawn from all parts of Ireland. I say this was unfair, and contrary to the intention for which the school was founded.

**236 Dr. TRAHL.**—Did you ever hear of such a thing as boys from the immediate locality being sent to my boarding school? We all know that in almost every case the boarders come from a distance.

**Rev. D. Humphreys.**—They were able to pay for their education, and did not require any endowment; and it is wrong for such persons to take the benefit of an endowment which was intended for the poor classes. But to come again to the point I was doing attention to. After the Privy Council had done the ruling of the Commission, which was in my opinion a most salutary and useful one, though I believe the people of Portlaoise had the best right to what happens! Mr. Lindsay goes to Portlaoise, and takes his boys away with him again. He takes my travelling school to wherever there is a big endowment to be grabbed.

**237 Lord Justice FIRTH-GUNNISON.**—He has not got it very large. The last cheque he got was only £12.

**Rev. D. Humphreys.**—It is against the spirit of the thing I protest. Strangers from all parts of Ireland are brought from one school to another, wherever money is to be got; and it will be advertised in the newspapers as a boarding school.

**238 Mr. Justice O'BRIEN.**—It may be that the pupils follow the master. It is not an unusual thing that when a good master moves from one school to another pupils will follow him.

**Rev. D. Humphreys.**—I don't care which way it is; I argue against the injustice of the whole thing. It is taking an endowment upon false pretences. My argument is that while the Tipperary School, with £473 of Endowment had no pupils, the Rev. Mr. Ryan, without any Endowment at all, carried on a flourishing school within four miles distance.

233. Dr. TRAILL.—The Tipperary school was not without pupils at the time Mr. Ryan carried on the school. It was a flourishing school in 1881.

Rev. D. Humphreys.—I have explained how it was made flourishing by bringing a large number of boarders into it; and I have argued against that injustice. It was simply a method of grabbing Endowments. I give that Tipperary School as an instance of how the Governors have mismanaged the Endowment from an educational point of view. Tipperary School is kept alive by bringing into it a large number of boarders who belong to all parts of Ireland. Those boarders are able to pay fifty guineas a year for their board and education, and could easily find boarding-schools elsewhere; but it is quite a different case with the Catholic people of Tipperary and Limerick, who want Intermediate Schools for their boys, and who cannot pay fifty guineas a year for the education of each of them. Moreover, the sons of the Catholic tenants on the estates of Erasmus Smith have a right to free education from those estates. What claim have the sixty-seven boarders, imported into Tipperary from all parts of Ireland, on those estates? None whatever. They are neither the sons of tenants, nor are they from residences within two miles of the school. Why, then, do they usurp what belongs to others? It may be said, have not the children of the Protestant tenants on the estates of Erasmus Smith in those counties a right to free education from those estates? Yes; they have; but besides the three Protestant clergymen, Mr. Apjohn, who lives somewhere about Dublin, and Mr. De Burgh, who is a military officer, and is with his regiment, there are only ten Protestant tenants living on the estates.

239. Lord Justice FREEMAN.—Do you mean on all the estates of Erasmus Smith?

Rev. D. Humphreys.—No; but on the Tipperary and Limerick School estates there are only ten Protestant tenants, and the joint valuation of those tenants is £83 5s.; while on the same estates there are 232 Catholic tenants, whose valuation is £3,361 5s. The question I ask is, are ten Protestant tenants, with a valuation of £83 5s., to have an Endowment of £673 for a school, while 232 Catholic tenants, with a valuation of £3,361, are left without any Endowment? Those boarders in the Tipperary school pay fifty guineas a year; they could get education anywhere; they have been imported into Tipperary; there are only two boys from the neighbourhood boarders in the school. Erasmus Smith left his property for the education of 60 children on his estates; but the Governors have given the property from them and given it to others, who have no claim whatever to it. Now, I would wish to call attention to the evidence of the Vice-Chancellor as to the schools in that district. When asked by Mr. Cannon was it not strange that on the estates in Limerick and Tipperary, where there were so many Catholic boys, no schools had been provided for the tenants' children, the Vice-Chancellor replied that two schools had been provided, Pallas and Doon. Now, let us test that a little. There are just nine people in the Pallas school, all told. All are Protestants. Three of them are the schoolmaster's children, two are children of a Protestant farmer, and three are children of the head-constable. The master is paid £20 a year by the Governors, and has a cow grazing on the Queen's highway. Now, supposing the master gets £10 a year additional from local sources—what local sources there are at Pallas I don't know—would any man competent to teach sit down there to have a pittance like that?

241. The Vice-Chancellor.—I hope all these matters are not taken as facts?

Rev. D. Humphreys.—I have taken them from your own evidence.

242. The Vice-Chancellor.—Mr. Humphreys has interpolated a great deal into my evidence that I never said.

Rev. D. Humphreys.—I should be very sorry to misrepresent you; I shall get your own words from the Report, and, with your permission, I will send them to you. Again, the school was built at a cost of £300. This, at five per cent., is £15 a year, so that the Governors are paying £35 a year for the primary education of six Protestant children. There is another school at Doon, in the county Limerick. In that school there are thirteen children, all Protestants, and none of them a tenant's child. These two schools are quoted by the Vice-Chancellor as fulfilling the obligations of the Governors to the children of 150 tenants in that district. Now, as the Vice-Chancellor has accused me of misrepresenting him, I shall give the reference to the Report: I say these two schools have been quoted by the Vice-Chancellor (question 7478, Report of 1885) as supplying education to the children of 150 tenants, paying in rent at least £4,000 a year. I give that as another illustration of the insufficiency of the management of a Board exclusively Protestant. Again, the Governors have been insisting strongly on the founder's intentions. I shall give you a number of cases in which they have not fulfilled his intentions. Firstly, Hebrew is not taught in their schools. Secondly, Latin is not talked in their schools. Thirdly, the Head Masters and Ushers have not been obliged to sign the two first Canons of the Protestant Church in Ireland. Fourthly, they have not sought the approbation of the Archbishop or Bishop.

Dr. TRAILL.—Every Head Master has signed the two Canons, from the commencement to the present time.

243. Mr. Justice O'BRIEN.—Do you say that Latin is not taught in the Grammar Schools?

Rev. D. Humphreys.—No; I say it is not talked, it is not spoken. It is one of the rules laid down by Erasmus Smith that Latin should be spoken in the schools.

244. That was the case at that time, certainly. It was then the language of educated people; but it would be a singular thing to have it made the language of a school now. Nobody would understand it. Suppose a man went into a public-house, and talked in Latin, nobody would understand him.

Rev. D. Humphreys.—Would it be more singular than to have Catholics instructed in Usher's Catechism?

245. At that time Latin was a language in general use with educated people. It is not so now. You might as well substitute Irish speaking in court, instead of English. Of course you are entitled to say that all those provisions stand upon the same ground, and that they have been all abandoned. You are entitled to say that.

Rev. D. Humphreys.—I say it is equally unreasonable to ask Catholics to receive instruction in the Westminster Catechism, or Usher's Catechism; and that if they won't do it you are entitled to take from them what is legally their property. I say that in these respects that I have mentioned, the Governors have violated the founder's intentions, not only the intentions, but the spirit of the intentions. I wish to show you that those who insist so strongly on that vague and shadowy expression, "the spirit of founder's intentions," have themselves violated the spirit of the intentions of the founder. I believe it is a rule of law that when an individual, or a certain class of persons, have a well-defined legal right, a right clear and unequivocal, it cannot be taken away from them, unless by words equally clear; and I submit it is a most extraordinary thing to ground the taking away of that right upon the shadowy expression "the spirit of founder's intentions," to take away, upon such a phrase as that, £10,000 a year from persons who have a clear, well-defined right to it. Let me now give some other instances in which the Governors have violated the

founder's intentions. They have not given free education, clothes, and pensions to the tenants' children. That is another point upon which I ask the attention of the Commissioners. In the indenture of Erasmus Smith he expressly says he has given his property to his trustees on the express condition that they will give free education to the children of his tenantry, and to 20 other poor children living near the schools. "Now this Indenture witnesseth that the said Erasmus Smith, for the great and ardent desire which he hath that the poor children inhabiting upon any part of his lands in Ireland should be brought up in the fear of God and good literature, and to speak the English tongue, and for other good ends in and by these presents hereafter declared, hath, for the reasons and considerations aforesaid, and in consideration of the sum of five shillings sterling to him paid by the said trustees" (naming them) "As also in consideration that they should perform the several uses and trusts hereinbefore mentioned, hath bargained and sold, like as

by these presents he doth bargain and sell to the said trustees." By that deed Erasmus Smith bargained to give this property to the trustees for the purpose of giving free education to those children. That was the bargain he made with them.

246. Your want of acquaintance with legal language has misled you as to the use of the word "bargain." It is a mere term of conveyance; it does not imply a contract at all. Of course the test expressed his intention that the education should be given; and you have a right to rely on that.

Rev. D. Humphreys.—Yes, my lord. I say that the trustees got the property on the express condition that they would give free education to the children of the tenants; and I submit they have not done that. They have not fulfilled the condition on which they got the trust, and the law ought to take it away from them.

The Commissioners adjourned.

## PUBLIC SITTING—FRIDAY, OCTOBER 21, 1892.

At the Four Courts, Dublin.

Present.—The Right Hon. Lord Justice Fitzgerald and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TIGHE, Esq., LL.B., M.R., F.R.C.P., Rev. H. B. WILSON, D.D., Assistant Commissioners.

N. D. MURPHY, M.A., Secretary, and F. REDMOND, B.A., Assistant Secretary, were in attendance.

### SCHEME No. 144.—ERASMUS SMITH'S ENDOWMENTS. (OBJECTIONS AND AMENDMENTS)

The same persons and bodies were represented, or appeared in person, as on the previous day.

Rev. D. Humphreys.—My lord, I wish to correct a statement which I made yesterday in giving you statistics as to the number of students of Intermediate Education in the Tipperary district. I gave the number in the Christian Brothers' School, which I believe your lordships have taken down. I will just point out the page of the little book which I have written on the Erasmus Smith Endowments, which I believe your lordships have looked through. If your lordships will refer to page 21, you will see that I there give the number of Catholic boys attending in the Intermediate Schools from the Tipperary district as 153. This number comprised pupils attending the Christian Brothers' Intermediate School at Tipperary 50, at the Intermediate School, Eshly, 35, at the Intermediate School, Kilteely, 25, and at the Intermediate School, Doon, 22. These added together, I said made 153, that is not correct. Besides this there are in the Intermediate Schools from the parish of Tipperary at Clongowes, 2, Blackrock, 3, Rockwell, 1.

247. Mr. Justice O'BRIEN.—Those are outside the district. How many are there altogether coming from that locality?

Rev. D. Humphreys.—Clongowes, 2, Blackrock, 3, and Rockwell, 1, in Dublin, preparing for the Civil Service, 1; going by train to the Jesuit's School in Limerick, 2; at Mr. Bohan's School in Tipperary, 3. From the parish of Lutkin there are at Clongowes, 2, and at Rockwell 3; from the parish of Eshly, in the Intermediate School outside Eshly, 1; from the parish of Colkhead, outside Eshly, 1; from the parish of Colkhead, at Mount Meliscay, 1; from the parish of Fallsgreen, going to Limerick, 4, and in boarding schools, 4; from the parish of Doon, in the humanity class, Thrapes College, 1; these added together make 158, I should think.

248. Mr. Justice O'BRIEN.—To be added to the 155.

Rev. D. Humphreys.—No, my lord, I omitted the students who were in Clongowes.

249. I thought you gave me the total first, of the number of persons who were students, as 153.

Rev. D. Humphreys.—Yes, my lord, I did; but there was one element of mistake in it. I did not count those in colleges outside the Tipperary district.

250. Monsignor Molloy.—What is the aggregate number in colleges outside the district?

Rev. D. Humphreys.—I have not added them. Monsignor, I looked them up last evening, and I think the whole number is 156. Then I counted at Galbally, which is seven miles distant from Tipperary, thirteen pupils. I suspect and believe now, that the school must have been not open at the time, because the words I use are: "there is moreover an Intermediate School of fifty-eight boys at Bruff, about seven miles from Kilteely, and there was an Intermediate School of thirteen boys at Galbally." "There was at Galbally" means that the school was closed. The school at Galbally is a school that has been closed. The number of Intermediate pupils attending the Christian Brothers' School at Tipperary was 50, at Eshly, 35, which is only seven miles from Tipperary; at Kilteely, 25, which is distant only four miles from Eshly and nine from Tipperary; and 22 at Doon, which is distant eight miles from Kilteely and nine miles from Tipperary. I give your lordships these figures for the purpose of showing the number of Intermediate pupils who were actually receiving Intermediate Education at that time from the district. I now give figures to show the Intermediate work done formerly in the very same districts, and the figures I quote are the number of priests, theological students, nuns, medical doctors, medical students,

scholars, solicitors' apprentices, students for the Indian Civil Service, and for the Civil Service, bankers, Christian Brothers, Jesuit Scholastics and philosophy students.

231. Mr. Justice O'BRIEN.—Do you apply them to any particular time?

Rev. D. Humphreys.—I take all those who were living then in 1887 belonging to those districts. You will find it in my book after page 50. The following is the list—From the parish of Tipperary there were 12 priests, 2 theological students, 69 nuns, 4 medical doctors, 2 medical students, and 2 Jesuit Scholastics, in all 82. From the parish of Lutin, 8 priests, 8 theology students, 8 nuns, 4 medical doctors, 1 medical student, 1 solicitor, 1 for the Indian Civil Service, 2 Jesuit Scholastics, and 2 philosophy students—in all 28. From the parish of Emly, 18 priests, 10 ecclesiastical students, 6 nuns, 1 medical doctor, and 1 medical student—total 31. From the parish of Kilteely, 19 priests, 1 theology student, 12 nuns, 6 medical doctors, 1 solicitor, 1 banker, 3 philosophy students—in all 34. From the parish of Scloheen, 5 priests, 3 theology students, 17 nuns, 4 medical doctors, 1 medical student, 1 solicitor's apprentice, 5 Civil service students, and 1 philosophy student—in all 34. From the parish of Pallagreen 14 priests, 18 ecclesiastical students, 6 nuns, 3 medical doctors, 1 Civil Service—Total 32. From the parish of Doon, 4 priests, 9 ecclesiastical students, 11 nuns, 1 medical doctor, and 5 Christian Brothers—total 30. All these added together make 298, which proves the amount of Intermediate Educational work that has been done in the district before 1887.

232. As regards one part of that, there will be an element of falsity, because, as regards females, there could have been no education of them before the time of this Constitution. It seems that there is another element of falsity as regards the women entirely. It is likely that those young women would have been educated at Conventual Academies themselves.

Rev. D. Humphreys.—Yes, my lord, but my point is that they having become nuns would require education. They have to teach in the convents.

233. They were a class that would receive education.

Rev. D. Humphreys.—They receive education in the convents—that high class of education which is now called Intermediate they would have to undertake to teach.

234. DR. TRAILL.—Were all these girls off the estate?

Rev. D. Humphreys.—No; they were in the parishes.

235. They were not the children of tenants on the estate!

Rev. D. Humphreys.—No; the parishes principally of Tipperary, Scloheen, Pallagreen, and Doon, 4 parishes out of 7. Besides, in Tipperary parish there is a vast amount of the Smith-Barry property. The valuation of the property around there is over £7,000 a year.

236. Mr. Justice O'SULLIVAN.—You must find it very hard to trace the original domicile of those 298.

Rev. D. Humphreys.—I have done so, my lord. I have prepared this statement with great care.

237. Did they all come from a parish that was included in the estates of Erasmus Smith?

Rev. D. Humphreys.—Yes, my lord; but there is the parish of Emly—he had no estates in that parish, nor in the parish of Kilteely, nor in Lutin. But in fear of these seven parishes are estates formerly held by Erasmus Smith. Now those 298 are a proof of the Intermediate Educational work that has been actually done in the Tipperary district, and I produce these figures for the purpose of showing your lordships that a great demand exists in that immediate neighbourhood for Intermediate Education. I now come to two other parishes in which there is situated another portion of the Erasmus Smith estates, the rental of which is over £700 a year, at a place called Drombane, which is about ten miles from Cashel or Thurles, and some-

what more from Tipperary. Here are the numbers: in Drombane and Upper Church Parish where most of Erasmus Smith's property in that locality is situated, there were 3 priests, 5 ecclesiastical students, 32 nuns, 7 Christian Brothers, and 1 medical doctor—total 39, and there were at Rossmore and Clonmore Parish 16 priests, 16 ecclesiastical students, 39 nuns, 20 brothers of St. Patrick, 12 Christian Brothers, 1 medical doctor, 4 commercial bankers, and 16 National School teachers; total 125. These two figures added together make 164. Now it may perhaps be objected that the class of National School teachers does not come under the class of persons requiring an Intermediate education; but I should think that they do, and for this reason, that looking at the facilities in this country for education, those who devote themselves to become National School Teachers would derive very great advantage if they had an opportunity of training themselves in Intermediate Schools. I add these to numbers in the seven parishes around Tipperary—the two parishes of Rossmore and Drombane, which gives the total number 463.

#### 238. Adding the National School Teachers!

Rev. D. Humphreys.—Including only sixteen of those National School Teachers.

239. Supposing them to be a class of persons who would require Intermediate Education, you would be entitled to increase your number of cases, by adding the number which is at present receiving that education in the various parts of Ireland.

Rev. D. Humphreys.—Yes, my lord. The principle I had in view was to find how many pupils from the districts were receiving Intermediate Education, both in the schools of the district and in colleges and schools outside it. I take it as proof of the amount of Intermediate Educational work that was being done. I take other figures to show the amount of such work that has been done. Now I would remind your lordships that those 468 are natives of only seven parishes in this wide district which was formerly held by Erasmus Smith and extended through Limerick and Tipperary. Taking the other parishes that are comprised within the bounds of his property, of course the demand there is far greater than that which is shown by these statistics. Now I wish to refer to a request made by Lord Justice FitzGibbon yesterday as to the number of pupils for the Christian Brothers Schools that have gone in for Intermediate Education examinations. I have telegraphed this morning to the Superior of the Christian Brothers for the number.

#### 260. The Christian Brothers, where?

Rev. D. Humphreys.—At Tipperary. I wish to refer to it now in order to say that the number is no indication of the amount of Intermediate Education which is done at Tipperary, for this reason that the Christian Brothers are keeping a Primary School and an Intermediate School together. They have about 350 pupils and the art of Intermediate School they unquestionably must be low. In saying this I bear the highest testimony to the excellent educational work of the Christian Brothers, both in the Primary and the Intermediate classes.

261. Lord Justice FITZGIBBON.—On that point the figures do not press against your argument. It always appeared to me that the number of students brought up to the Intermediate Examinations from any given number of Christian Brothers' pupils, is a good measure of the proportion of students of humble positions, who are likely to advance to a higher class of education. It is my own opinion that such charities as this of Erasmus Smith, which were intended to give Grammar School Education to the poorer classes, never could have been intended to give such education to all who were poor, but only to selected pupils from among them. So far as I know the only two systems in Ireland that select the best pupils from a considerable number, are the Christian Brothers and the Incorporated Society. The results are very remarkable, because no less than 40 per cent of all the pupils who have passed the Intermediate Examinations, Proven-

tant and Catholic, have come from the Christian Brothers' Schools.

*Monsignor Monroy.*—We found that in the Christian Brothers' Schools, wherever Intermediate classes were formed, the proportion of pupils that passed from the Primary to the Intermediate classes was on the average something less than one-fourth of the whole, and somewhat more than one-fifth. From this, I think it may be fairly assumed that one-fourth or one-fifth of the pupils in Primary Schools generally would be at present available for a higher kind of education.

263. *Lord Justice FitzGibbons.*—I suppose you know that each "school" of the Christian Brothers is under one Brother and confined to one class, and where they are carrying on Primary and Intermediate Schools, they put the Intermediate School under one Brother, and fill it from those below it, thus practically tests the proportion of pupils that are available for higher education. You told me that 360 is the number of pupils they have in Tipperary?

*Rev. D. Humphry.*—The number that they had in 1887.

263. What number had they at that time in the Intermediate School?

*Rev. D. Humphry.*—I am not aware just now; but I shall find it out.

264. *Mr. Justice O'Brien.*—At that time they had not been so much established as they are since then, to go in for Intermediate Examinations.

*Rev. D. Humphry.*—No, my lord. I take the standard suggested by the Lord Justice as a fair standard so far as it goes to estimate the relative proportions between the children requiring Intermediate Education and those who do not avail of it when at school. If the same principle were to be applied to the National Schools for instance, I would say that one-fifth of them also would require to have Intermediate education afforded to them. I would be prepared to take that standard so far as it goes. I say "so far as it goes" because, owing to the fact, that Catholics have no opportunity for University education now—little or none—not half the number of Catholics avail themselves now of Intermediate Education in the Christian Brothers' Schools, who would do so if they had any University open to them, the honours of which they could conscientiously accept. The sort of school that I require for Tipperary is a High School like the school in Harcourt Street, and also that school should be equally well manned, and equally well endowed. If that is done, I will undertake that in four years' time the Tipperary School will leave the Harcourt Street School nowhere. All we want is a fair start and no favour. I was proving at the time of the adjournment last evening, that from the results of the management of the Erasmus Smith Endowment by a Board exclusively Protestant, there is no argument to be derived to show that a Board exclusively Protestant would manage the Endowment better than a mixed Board. I was going into the proof of that by looking at what they have done in the Grammar Schools. The Vice-Chancellor intended to retain the Grammar Schools in Tipperary, in Galway, in Drogheda, and in Harcourt Street. Now, what is the educational usefulness arising out of these four Grammar Schools? The boarders pay from £40 to £54 a year—in Drogheda, £50 a year, and the day boys from £8 to £15 a year. The pensions of the boarders are sufficient to support an Intermediate Boarding School without any Endowment. The pensions of the day boys at Harcourt Street School are sufficient to support an Intermediate Day School without any Endowment. On this point I respectfully beg to call the attention of the Commissioners to the proceedings of the Commission of 1878-80. At the Commission, Lord Randolph Churchill objected to the Vice-Chancellor, that as boys were boarded, and received Intermediate education for £48 a year at Clongowes Wood College, which has no endowment, there was no advantage derived from the Endowment given to the Erasmus Smith Schools. The Lord Justice came to

the rescue, and said that there was a great difference between the two cases, for that in Clongowes Wood College they have teachers for nothing. That is a point which I want to dispute. I say that they have not teachers for nothing. Jesuits are not supported and educated for nothing up to the position which enables them to become teachers in Intermediate Schools, and after they have been educated up to that position, they are not supported for nothing. They require, I would say, nearly as large an annual sum to support them as the teachers in Erasmus Smith's Grammar Schools ought to require. Now, we Catholics keep Intermediate Schools for day boys, although the boys pay only £4 a year, and there are sometimes free boys in these schools. The school at Kilteely is kept by Mr. William London, and he receives from his pupils only £4 a year; and he has, on many occasions, as many as three free boys. This is how we educate ourselves. Now, all the boarders who are paying from £40 to £54 a year, and all the day boys who are paying from £8 to £15 a year, could be, should be, and most of them would be, in Intermediate Schools, if Erasmus Smith and his Endowments had never existed.

265. *Mr. Justice O'Brien.*—I suppose in Killiney school there are no boarders at all?

*Rev. D. Humphry.*—No, my lord. I mention that case to show the efforts we make against the disadvantages we have to encounter.

266. You need not state that at all, for it has been the history of the country over 300 years.

*Rev. D. Humphry.*—This is the next point which I would desire to direct the attention of your lordship to. All the boarders who are now paying from £8 to £54 a year in the Erasmus Smith Grammar Schools would be receiving education in other than the Board's Schools—they would be receiving the same education for the same money if Erasmus Smith had never existed. Where then is the public welfare arising from this Endowment? And as the principle of your Commission is to extend the usefulness of educational endowments you are, of course, prepared to follow that principle out and to abolish all these schools which are carried on without educational usefulness. There is no educational usefulness proceeding from the present management of the Erasmus Smith Schools. On that aspect of the case it becomes your duty to put a stop to it.

267. It has been alleged that the fact of their receiving boarders enables the Head-Masters to give and to supply a higher class of education than they would otherwise be able to do. That has been given as an answer to your objection.

*Rev. D. Humphry.*—But we are prepared to give them an education as high if we get this Endowment under a mixed Board, and we are prepared to allow them every facility for their special religious instruction; so that I cannot see what plea they can raise on that point. This is the next point to which I would direct your attention: all these boys who are paying in Erasmus Smith's Schools from £40 and not of them 50 guineas as boarders, and all the day boys who are paying from £8 to £17—there are I believe nineteen of them in Harcourt Street School—all that would be now receiving the same education if the Endowment had never existed. What then is the advantage arising from the Endowment? It is thirty-eight free boys who are not tenants' sons in all the Erasmus Smith Schools in 1886. The Lord Justice has again and again stated that the state of things revealed by the Commission of 1854 was a bad state of things, but the Vice-Chancellor has changed all that, and that the educational management of the Endowment has since that time been a complete success. Now, the net result of his management is the free education of 38 pupils.

268. *Lord Justice FitzGibbons.* appears to have read the Report, but not to have stated it as his own opinion. What you attribute to him as his own statement was merely a passage which he read from the Report.

*Lord Justice FitzGibbons.*—I quoted a passage from

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Report of 1879, which stated that after the Report of 1868 some improvements were effected, and since the appointment of the Vice-Chancellor of Ireland as Trustee of the Board in 1872 most of the defects appear to a great extent removed.

**Rev. D. Humphry.**—Yes, my lord; but I thought your lordship commanded the Vice-Chancellor not only to his financial management—which I am bound to traverse—but also to his educational management of the Endowment. Now, the Report of 1868 states that 30 free boys was the educational part of the endowment as it was managed in 1854; and the result under the management of the Vice-Chancellor. The point to which I want to draw the attention of your lordship is to show that there has at least much improvement in the net educational results since the time that it has been taken up by the Vice-Chancellor. The Report shows that there were 30 free boys in the schools at that time, 1854-55. We see that in 1886, when the Vice-Chancellor gave evidence to which I am now referring there were 45 free boys, that is an increase of 5, and I cannot say that it shows very much improvement. But the Vice-Chancellor says that the Grammar Schools require more funds to make them efficient. The Governors, he said all along thousands of pounds idle in bank, in 1870 they had £20,000 in bank. The express direction of Erasmus Smith was that, when the moneys would improve in value they were to apply it to the improvement of the Grammar Schools. They required an Act of Parliament to spend any moneys on the schools if they thought the Grammar Schools required the expenditure of more money. Therefore, either the trustees of Erasmus Smith did not know how to make the Grammar Schools efficient; or knowing how to make them efficient, did not do their duty. I leave them then to the other horn of the dilemma. Now, as the pensions to lodgers and day boys are so high they ought to be self-supporting without any endowment at all. I give you localising the instance quoted by Lord Lindley Cheshire. The College of Clongowes Wood is a High School, and it will not be denied that both in boarding the pupils and educating them it is not used to any of the schools of Erasmus Smith, or any other Intermediate School in the Kingdom. Now, I am going to show from figures how these schools of Erasmus Smith ought to be self-supporting without any Endowment. When we take into account the number of boys in the four schools at Tipperary, Drigheda, Ennis, and Harcourt Street, and the high pension, it becomes obvious. There were 67 boarders and 15 dayboys in the Grammar School at Tipperary. This was in 1886. Allowing £50 a year each, for the support of each boarder, and allowing 50 guineas from 17 boarders there remains £237 10s., and if a mean of £12 each from 12 day boys, 2 being free, he added, does not remain £281 10s. The Rev. Mr. Lindsay says, that the cost of his teaching staff was £200 a year, his own salary included in this. He has not mentioned it; if not included he would have left for himself £281 10s. a year, besides that he has an endowment of £273 a year in the School and lands situated. On the same principle the Galway, Drigheda, and Harcourt Street Schools ought to be self-supporting.

**Mr. TRAILE.**—How much do you put down in the calculation for feeding the pupils?

**Rev. D. Humphry.**—£40 a year each.

**Mr. Justice O'BRIEN.**—The Rev. Mr. Lindsay estimated it at £500 a year; did he not? **Rev. D. Humphry.**—No, my lord, that was the cost of the teaching staff. He did not mention whether his own salary was included in the £500. According to the Report of the Commission of 1854-55, there is an Endowment of 12½ acres of land, and there is an annual Endowment of £300 with the school; that would be £473 a year Endowment. That, with the profits that he ought to have out of the receipts of the school, ought certainly to afford him a very comfortable living. In 1885 in Harcourt Street

School, the payment to the masters was £3,974, whilst the receipts from the boys in the same year were £2,370, which ought to leave a surplus of £396; and yet we find (Question 2,193, Rep. 1885-6) that there was a deficit in the same year of £180 3s. 6d. This would appear to leave £376 unaccounted for.

**271.** Did you say £180 was a debit?

**Rev. D. Humphry.**—Yes, my lord; it had to be discharged from the general fund of the Endowment. This would appear to leave £376 unaccounted for. Did the Head Master get this in addition to £400 a year? We ought to know that. And now there is one point to which I wish to call the attention of your lordship. The fees or pensions for day boys range from £5 a year to £17 or £19 in the Harcourt Street School, so that taking a mean of £10 a year it comes to those £376, which would amount for fifty-seven free boys. I speak under correction, but, if I do not mistake, it is stated somewhere in the Report that there has been, from time to time, more than twenty free boys in Harcourt Street School. And here again I wish to call attention to the manner in which the Governors have fulfilled the intentions of the founder. They have placed out fifteen free boys in a Commercial School, in Brunswick Street. Now none of these fifteen free boys can be said to be boys contemplated by Erasmus Smith as children of tenants on his estate, or resident within two miles of his school. Even extending the letter and spirit of the intentions expressed by Erasmus Smith, and allowing to this school free boys within two miles of it, there should be only twenty free boys taken from the neighbourhood. Where his estate is in Tipperary, with a rental of about £6,500 a year, we see from the Report of 1887, that there were only three free boys at the school. In Dublin, which is a long distance from any portion of the estate, we find that there are thirty-five free boys who, from the very nature of the case, cannot be tenants' sons, and cannot be the persons that it was his wish to select, as they are not living within two miles of his Grammar School. They cannot be the persons intended to be benefited by Erasmus Smith, and this appears to be a gross violation of the founder's intention. In the school in Harcourt Street, is it extending the usefulness of this Endowment to endow that school from this Endowment, which school is self-supporting, or ought to be so? And what makes all this more unaccountable still is, that the money with which it is endowed is given for the education of those rich children who are able to pay £19 a year as day boys, and who have no claim, and can have no claim to it. It is taken away from the poor children of the tenants, and other Catholic poor children who are in want of it, and to whom it legally belongs. I beg to call the attention of the Commissioners to a circumstance which I believe has special importance just now. The Vice-Chancellor (Question 21,515) has expressed his intention to give up the school at Ennis, and to retain the other four in Harcourt Street, Tipperary, Galway, and Drigheda. Now, bearing this intention in mind, it looks very remarkable that whilst the boarders of the four Grammar Schools to be retained in the Vice-Chancellor's Scheme, have, within a very short time, abnormally run up, the number of boarders in the Ennis Grammar School, in the same time, has abnormally run down from 33 to 15. This does not look the less remarkable when we recollect that the Vice-Chancellor and his brother trustees can easily find among their friends, boys who can pay 50 guineas a year for their education in a boarding school, and who, in these days of railway travelling, can be easily imported from any part of Ireland to another.

**272.** Is it your conclusion that, while at Ennis the pupils who were 33 diminished to 15, the other schools at the same time, have been levelled up?

**Rev. D. Humphry.**—Yes, my lord; the other schools have increased. I pointed out yesterday that

1875-1885.

the Grammar School in Tipperary had been closed in 1875. It was then reopened by the Rev. Mr. Lindsay closing his Intermediate School at Newport, and bringing 40 or 44 pupils to open the Tipperary School. I was at the sitting held at the Grammar School, and my recollection is that he said he had brought 44 boarders; however, what is given in the Report is that he had brought 40. That is not material, but I would like to have your lordships remember that, when in 1885, this Act was passed, and that for the previous ten years, there was only an increase of 5 boarders—from the year 1875 to 1885 in the Tipperary Grammar School. He had brought 40 boarders with him, and during those ten years there was only an increase of 5. We find that in the next year, 1886, there was an increase from 40 to 67 in the number of boarders, and the Vice-Chancellor was able to refer to it as a flourishing School.

273. There might be a difficulty in increasing the number.

Lord Justice FITZGERALD.—There was not accommodation for anything like the number, and he had to take a house outside. The Tipperary Grammar School was full from 1886, and remained so. Mr. Lindsay told us that he had a list of boys who were candidates for admission, whose names had been put down before they could be taken in. What argument do you base on that?

Rev. D. HUMPHREY.—If your lordship will allow me I will develop it in a very short time. Now, the year 1875 to 1885 the number of boarders had increased only 5 or 6, most probably about 5. In the following year, 1886, they suddenly increased by 19. It is very strange that the accommodation which had suited them for ten years previously did not suit them that year.

274. Mr. Justice O'BANER.—What was the number of boarders in 1875?

Rev. D. HUMPHREY.—Only the number he brought from Newport, 40 or 44. The school, as your lordship might remember, had been closed in 1875, because there were no pupils attending. Then the Reverend Mr. Lindsay, who held an Intermediate School at Newport, eighteen miles away from the Grammar School at Tipperary, brought 40 or 44 boarders to Tipperary. The point that I wish to call your lordships' attention to is this, that from the time the school was opened there was only an increase of 4 or 5 boarders up to 1885, but the next year there was an increase from 40 to 67, that is 15 boarders. Coupling that with the fact that the number in Ennis had fallen down from 38 to 15, there is some reason to suspect that the number of boarders had intentionally been increased in the Grammar School at Tipperary for the purpose of showing that the school was increasing. Twenty-four boarders were taken away from Ennis at the very time this increase in the Tipperary Grammar School was effected.

275. Dr. TRAILE.—Do you think that such an intention could be carried out by the Head Master, Mr. Flynn?

Rev. D. HUMPHREY.—No, by the Governors; they could cause them to be removed from one school to another.

Dr. TRAILE.—The Governors always thought that the Tipperary and Ennis Schools were too close to each other.

276. Mr. Justice O'BANER.—Would not the reputation of a master have some effect? Pupils will follow a good master.

Rev. D. HUMPHREY.—Yes, my lord, but facts are stubborn things. We find this Grammar School at Tipperary increasing only 5 or at most 6 in 10 years, and then we find that suddenly, within one year, it increases from 40 to 67, that is an increase of 15 boarders.

277. Lord Justice FITZGERALD.—When did that sudden increase occur?

Rev. D. HUMPHREY.—In '85, in one year; the very year in which the Vice-Chancellor referred to the

Tipperary Grammar School as flourishing. I refer to the evidence of the Vice-Chancellor before your Commission in the year 1885; that is the year the number of boarders increased so rapidly.

278.—There must be some confusion, because when Mr. Mahaffy visited the place 48 boarders were in the house, which was the full number that it would accommodate. That was in 1877, but there is a statement in the body of the Report that the Head Master had been obliged to take a house as a residence for the boarders for whom there was not room in the school buildings.

Rev. D. HUMPHREY.—Yes, my lord; but you see that the accommodation was for sixty boarders, and for ten years the number did not approach that figure.

279. At one time Armagh Royal School was reduced to a single boarder, but at other times as you were the result is that the Carrickmacross Grammar School, at a distance of several miles, was used for its overflow. The Governors have never, as far as I know, interfered with a Head Master in getting boarders.

Rev. D. HUMPHREY.—But your lordship has not in the Report that there was accommodation in the Grammar School of Tipperary for sixty boarders.

280. Do you allow that there was some wild shifting of boarders to the Tipperary School so as to make facilities increase?

Rev. D. HUMPHREY.—Yes, my lord.

Lord Justice FITZGERALD.—I cannot see it.

Rev. D. HUMPHREY.—The facts are here, my lord. I have heard a story of what, if you will allow me to tell it, will illustrate the point.

Lord Justice FITZGERALD.—People are sometimes unreasonably suspicious.

Rev. D. HUMPHREY.—They might, but facts are stubborn things. There was a Protestant clergyman who had a very poor congregation.

281. Mr. Justice O'BANER.—And he borrowed a Catholic congregation!

Rev. D. HUMPHREY.—Precisely, my lord.

Mr. Justice O'BANER.—His bishop was coming.

Rev. D. HUMPHREY.—It actually happened, I believe. It is not a mere jest at all.

282. Lord Justice FITZGERALD.—The school to which you attribute this movement was not one that wanted it.

Rev. D. HUMPHREY.—I want to show that the same thing is going on still. So far as I can see, there are only twenty boarders now in the existing School.

283. Mr. Justice O'BANER.—What School?

Rev. D. HUMPHREY.—The Tipperary Grammar School,

Dr. TRAILE.—It is working up-hill now.

Rev. D. HUMPHREY.—It is working down-hill. Mr. Carson can find out the exact figure if you require it.

284. Lord Justice FITZGERALD.—It is scarcely fit to discuss these particulars without having the accurate. No school can be expected not to reflect temporarily by the change of a very successful master from it.

Rev. D. HUMPHREY.—But may I add something to this plea? It is part of all the case. There were two Grammar Schools under Erasmus Smith's Endowment. The Vice-Chancellor expressed his intention of letting one rundown and keeping four. Now it is remarkable fact that the numbers increased in the four to be kept on only by the running down of the Grammar School at Ennis, the School to be given up.

285. Dr. TRAILE.—That was not the reason for closing it.

Rev. D. HUMPHREY.—There were thirty-nine pupils in it. This cannot be explained away by any accidental combination of circumstances. There were two Grammar Schools. The Board determined to give up one of them and to hold only four. Within a year after that determination the numbers in the Schools they are going to continue holding are abnormally

ceased—Tipperary from forty-nine to sixty-seven, Galway from twenty-five to thirty-one. In Donegal there has been also an increase in the number of boys, and in Harcourt Street, where all the pupils are day boys, the numbers have run up from 161 in 1858 to 273 in 1868, although in 1879, when Harcourt Street School had been nine years in existence, the number of pupils was only 180, and of these twenty were free boys. The number of boarders indeed was down from thirty-nine to fifteen in the school they were going to support.

288. Dr. TRAILE.—I know that the time they resolved a date it was when the pupils went down, and not when it was full of pupils.

Rev. D. Humphreys.—The Vice-Chancellor declared his intention to close it. There were then 39 boarders.

Dr. TRAILE.—Dr. Flynn took 25 boys to Ennis, and these boys, being from the North of Ireland, dispersed and were not replaced by other pupils. The Governors decided to close the School when it was going down.

287. Mr. Justice O'BRIEN.—You intimate that it is the result of water that has flowed from one place to another, but that the number of pupils in the schools has not increased?

Rev. D. Humphreys.—By no accidental combination of circumstances could it have happened that out of the 12 Schools, four of which only were to be retained, attendance should run down suddenly in the one destined to be shut up, and run up at the same time in the other four.

288. Dr. TRAILE.—Do you persist in saying that it is the act of the Governors?

Rev. D. Humphreys.—Yes.

Dr. TRAILE.—Then let that be taken down. The Governors never interfered in such a way. They did not change the boys from Ennis to Tipperary.

Mr. Justice O'BRIEN.—That question cannot be discussed here, and there is no use in discussing as to what was the cause of it.

Dr. TRAILE.—I can perfectly easily find out the top and show that not one of them was sent.

Rev. D. Humphreys.—I think, Doctor, when you come to examine the evidence you will find it rather difficult to establish that conclusion.

Mr. Carson, Q.C.—It is right to say in the interests of the Head Master, Mr. Flynn, that everything Father Humphreys is saying is entirely contrary to the evidence. That evidence will be found at the question 2,140 in the evidence given before this Commission, on March 11th, 1886. Here is what Mr. Flynn said in the Vice-Chancellor's evidence—

"De Vice-Chancellor—Now, as to Ennis, 15 boarders in day boys, and one free boy, all single—Mr. Flynn is master. He is a very good man, an excellent teacher, but he is heavily weighted down there."

"*De Justice FIRTH-GUNNISON.*—In what way?—They tell me it is near Galway, there is not a sufficient space to let a. Galway is considered a better school and draws my boys that might be expected to go to Ennis. We make both a happy placed school."

Then at 2,151 we have this passage—

"We find it reported, before that Mr. Flynn had just been removed from Donegal, and he was to replace in his old place, Donegal, that he has brought all his boarders with him, and he has since obtained others from different parts of Ireland, and notwithstanding, I find Ennis has more than 30 to 35.—Yes, those boarders went away and could not get others. We find very much for Mr. Flynn, and think that he is fighting an uphill battle.

In your opinion is it the locality that handicaps him?—That is the general opinion of the Governors."

It is only fair to a gentleman who is trying to bring his school into the best condition, as Mr. Flynn is doing, to read that.

289. Lord Justice FIRTH-GUNNISON.—Mr. Flynn's school was closed because the Governors determined not to keep the Ennis School. Mr. Flynn would have been the last man they would have sent to Tipperary if they had not believed him capable of maintaining its efficiency. None of us see the bearing of your

argument, except that this is a local endowment to which the locality is entitled. The fluctuation of boarders and their removal from one school to another do not affect the question.

Monsignor MOLLOY.—I understand Father Humphreys's argument to be that the Endowment was left for the education of pupils living in the locality, and that however desirable it may be to have boarders coming from a distance, they are not the primary object of the Endowment, and that the school has failed to fulfil the end of the founder if the children of the locality receive no benefit from it.

Mr. CARSON, Q.C.—On that point I should not interfere, but what I object to is that unsupported charges should be made here. I think the Vice-Chancellor is well able to take care of himself and to bear those charges, but I do not think it fair to Mr. Flynn, who is struggling there at great disadvantage, that charges should be made against him.

290. Monsignor MOLLOY.—I do not think it helps the argument in any way to continue to press the personal aspect of the question.

Rev. D. Humphreys.—I have made no charge against Mr. Flynn. The passage quoted by Mr. Carson leaves my argument exactly where it was. The Report of 1865 says that there were in the school 15 boarders. He does not say how many there were there the year before; he does not mention that.

291. Lord Justice FIRTH-GUNNISON.—We have already told you that this argument does not affect the question.

Rev. D. Humphreys.—Does it not affect me that I have to establish my opposition to the Scheme proposed?

292. Mr. Justice O'BRIEN.—The tendency of your argument has been to impute the increase of boarders in a particular school in Tipperary to an artful design on the part either of the Governors or the Master or both combined to represent this School as more flourishing than it is. Now, we cannot determine that matter, and it cannot affect the result of your argument. I do not mean to say that the reason suggested—the contiguity of Galway may not be a main reason of the decline of the Ennis School; but a great deal of it is to be attributed to the great tendency there is to send young persons to England for education.

Rev. D. Humphreys.—I would observe first that Galway is said to be too near Ennis. Now, I would ask Mr. Carson has it become nearer to Ennis than it was five years ago?

293. Ennis was one of the most flourishing schools at a time when it was the same distance as it is now from Galway.

Rev. D. Humphreys.—It appears to be one of Mr. Carson's arguments that it has moved nearer.

294. Monsignor MOLLOY.—The evidence we have received leads to the conclusion that the amount of accommodation provided for the pupils going to these schools was greatly in excess of the number of pupils available, and therefore they were never all full together. I think that the natural laws of demand and supply sufficiently account for the vicissitudes to which you refer without assuming any special design on the part of the Governors.

Rev. D. Humphreys.—Yes, Monsignor, but we know the question of fact. I have made a statement and Mr. Carson has sought to disprove it, but he has only left it where it was.

Mr. CARSON, Q.C.—I have read the evidence for you, which was given by the Vice-Chancellor at the inquiry.

Rev. D. Humphreys.—I assume the Vice-Chancellor made that statement. It was made in the year after this Act came into operation. He also presented to you a Scheme in which it was arranged to leave the Ennis School out. Mr. Carson has not disclaimed in the slightest degree the statement that I have made in reference to the Vice-Chancellor. Will Mr. Carson say in what year was the number thirty-nine: he has merely stated that since '85 it was 15. My contention is that the number ran down,

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from thirty-nine to fifteen. With regard to this question of withdrawing the Endowment from Tipperary, the Lord Justice said on the first day of the Session that it would be absurd to turn the Tipperary Grammar School into a school for Technical Education. That, to some extent, implies the withdrawal of the Grammar School from Tipperary; but there is one question that I would respectfully ask the Lord Justice, if he will allow me. From that it appears that he is prepared to establish a Technical School in Tipperary. Would he require that all the teachers there should be Protestants?

Dr. TRAILE.—Erasmus Smith said they should.

Rev. D. Humphreys.—I am asking the Lord Justice.

Mr. Justice O'BRIEN.—You are not entitled to cross-examine the Lord Justice.

Rev. D. Humphreys.—I said if he would allow me, my lord.

295. Mr. Justice O'BRIEN.—I anticipated the very point you are making—how Protestantism was to be extended to carpenters and masons, and persons of that kind. Do you say it should be extended to workmen?

Dr. TRAILE.—Erasmus Smith said it should be extended to them.

Rev. D. Humphreys.—The point I would desire to make is this. From what the Lord Justice said it would appear that he was disposed to establish a Technical School in Tipperary. Would he admit that the teachers need not be Protestants? I would then ask him why should he contend that the teachers in the Intermediate Schools should be Protestants?

296. Mr. Justice O'BRIEN.—That is a legitimate argument for you, undoubtedly, for it raises the question—and there is a distinction in the constitution of the Board of Governors themselves!

Rev. D. Humphreys.—Precisely, my lord. I am here an advocate under difficulties. I have a good cause, but I am a bad advocate. I want to take advantage of everything I find stated in my favour. I believe if the Lord Justice stated that, he could not legally hold that the teachers under the Intermediate School should be Protestants if the teachers in a Technical School need not be Protestants under that Endowment. I cannot see how any man could hold that the intention of the founder would be violated by having teachers in an Intermediate School who are not Protestants. That is a strong point which I think there is no getting out of.

297. Dr. TRAILE.—You admit that it was the intention of the founder that the Masters should be all Protestants!

Rev. D. Humphreys.—I admit no such thing. You hold, Doctor, that his intention was they were to be Protestants. The Lord Justice held that that was not his intention, so far as I can gather from the report. Having used such a strong point as that in my favour, I want to obtain the results that flow from it. I repeat it. If the founder's intention is not violated by having Catholic teachers giving instruction in one of his Technical Schools, how is it violated by having Catholic teachers in one of his Endowed Intermediate Schools? I hope your leadership will pardon me; I am only a very clumsy amateur, playing the part of a lawyer, but when I get a good point I wish to get it across. Now, my lord, we come to Erasmus Smith's intentions. I contend in the first place that we have his intention expressly laid down in his Indenture, and that, furthermore, from one of the cases which Mr. Carson read out yesterday about the decision of the English Educational Endowments Commission in coming to a conclusion as to what the founder's intentions were, we are obliged to confine ourselves exclusively to the intentions which he has expressed in his original Indenture. If I make a statement which is inaccurate, I hope Mr. Carson will correct me. Now it is to the original document of Erasmus Smith, which is known as his Indenture, we are to look first. It is according to it we are to mainly guide in forming our notions of what his intentions were. We

have very clearly explained here in a general way the intentions of Erasmus Smith, which, if adopted, your lordships, will be quite sufficient for my purpose. He begins the Indenture by saying: "Whereas King of the stirs which in former times have reigned in this nation, have proceeded chiefly of lack of bringing up the youth of this realm either in public or private schools, whereby through good discipline they might be principled in literature and good manners and to learn to loath those vices and manifold others which, when they come to years, they daily practice and commit." This, I presume, was the primary and principal intention of Erasmus Smith. The old Catholics at that time were accused of the offences which were committed in those days, and Erasmus Smith said that the cause of all that was want of education. These are his words—"Whereas King of the stirs which in former times have reigned in this realm, have proceeded chiefly of lack of bringing up the youth of this realm either in public or private schools. What is his opinion?—that the crime which has been at the time committed in Ireland arises from the fact that the children were not taught a proper schools. What remedy does he suggest in that unhappy state of affairs?—he goes on to establish schools. Here are his own words, he states his opinion that the condition of the poor that prevailed was brought about by want of education. Then he says:—"This Indenture witnesseth that I said Erasmus Smith for the great and evident sake which he hath that the poor children inhabiting any part of the land in Ireland, as heretofore untaught, should be brought up in the fear of God, good literature, and to speak the English tongue, and to be principled in literature and good manners, and taught the English tongue, and instructed in the fear of God. Now I confess that education which is given in Catholic Intermediate Schools is the education there contemplated, and so specifically mentioned by Erasmus Smith. Will any one here say that the children who are brought up in Catholic Intermediate Schools will be likely to commit outrages? If they do not, then why is it that the education which is given in Catholic Intermediate Schools is exactly the education Erasmus Smith wanted, namely, education that would prevent outrages being committed in Ireland. I suggest Mr. Carson in my favour here. From what he said yesterday he cannot contend that the children brought up in Protestant Intermediate Schools will be less likely to commit outrages than the children brought up in Catholic Intermediate Schools. He will perhaps say that Protestants did not pretend to be better than other people. Taking that admission I would say he can hold that Protestants and children brought up in Protestant Intermediate Schools, will be less likely to commit outrages than children brought up in Catholic Intermediate Schools. Here we have the clearest proof that Erasmus Smith saw, or thought saw, the state of things in Ireland and wished to remedy it by education. In that way we get at his intention. He believed education would improve the state of the country, and what he believed is what we are to take into account in estimating his intention. He believed that the outrages that then prevailed arose from want of education in Ireland, and he said if there are schools established in which proper education is given to children, the existence of outrages in Ireland will be, by that means, prevented."

228. Dr. TRAILL.—But did he not mean Protestant Schools?

Rev. D. Humphry.—Later on we will come to that.

229. Not later on. He thought that papish seminaries were the cause of the whole thing.

Rev. D. Humphry.—It is very inconvenient to be interrupted in this way between two propositions of a question, especially when the interruption has an end to do with the argument as the state of the water has.

230. Mr. Justice O'BRIEN.—My colleague seeks to prove the intention that you ascribe to Erasmus Smith, to the institution of extreme and really Protestant Schools. In that way it may have a bearing on the matter, although it may be a groundless suspicion.

Rev. D. Humphry.—But that is not my argument just now.

231. Your argument is that the education in Catholic Schools is what Erasmus Smith wanted, and that no person at the present day can contend against it.

Rev. D. Humphry.—That being so I do not see how it can be contended that Catholic Intermediate Schools do not fulfil to the letter the intentions of Erasmus Smith. Mr. Carson cannot allow any argument at all events.

Mr. Carson.—I laid particular stress on the word "permitted," my lord.

Mr. Justice O'BRIEN.—He has made a great concession to you.

Rev. D. Humphry.—My lords, my argument is this, that Erasmus Smith said that a grievous state of things existed in Ireland, and to meet that he established schools, at which the children of such of his tenants as needed free instruction might be taught. I say that Catholic Intermediate Schools fulfil the intentions of Erasmus Smith, whoever holds that they are not, must hold that Protestants are benester, or better, or more moral than Catholics! Will Mr. Carson!

232. Mr. Justice O'BRIEN.—He does not contend that, but he suggests that Erasmus Smith has added another condition.

Dr. TRAILL.—It is not what we think now; the question is what Erasmus Smith himself thought.

Mr. Justice O'BRIEN.—It is not a question of morality at all.

Rev. D. Humphry.—I come now to another question—with regard to the Catechism. Protestants contend that we cannot use this Endowment except we instruct our children in a Protestant Catechism of some denomination, although they do not agree amongst themselves what that denomination is to be. Now, some gentlemen may deem it expedient to build logic from the domain of theology; but, I speak of course under correction, when I say I do not deem it to be expedient to banish logic from a court of law. Now, it is the first primary principle of Protestantism that every man is to take up his Bible, and under the direct influence of the Holy Ghost, to read out of it what he has to believe, and what he is to do to save his soul. No atheist has, then, a right to take up the Bible and point out to any man the passages of the text which sustain what he is to believe. No man has a right in that Protestant principle, to say to another, this is the meaning of such and such a text. Hence, every Protestant Catechist is a person who acts in direct contradiction to the first principle of Protestantism. Now, suppose Erasmus Smith had commanded Geometry to be taught in his schools, and that he had laid down as one of its first principles, a square circle, I am sure this Commission would not pay any attention to such a direction. I say, logically, they are equally bound to pay no attention to his direction that anybody should be instructed in a Protestant Cate-

chism, because it is in Protestant theology what a square circle is in Geometry, namely, a contradiction in terms.

233. Dr. TRAILL.—Whether it is to be carried out or not, I suppose you admit that he gave the direction.

Rev. D. Humphry.—There is one fallacy, Doctor, which you appear to be labouring under all along. You take it for granted, that I admit every position of yours. I am trying to exhibit my views and not to be turned aside from them.

234. Mr. Justice O'BRIEN.—He has made that mistake occasionally. You say, that assuming he had directed a catechism to be used, it is not an essential part of Protestantism.

Rev. D. Humphry.—Yes, my lord, and that a court of law is logically bound to pay the same attention to a founder directing that the children in the schools should be instructed in the Protestant Catechism, as they would be bound to pay to a founder who says the children in my schools are to be instructed in Geometry, but one of the first principles of that Geometry, is a square circle. Again, supposing Erasmus Smith had left his Endowment to give a dinner every day to all the poor people in a certain lane.

235. Well, that case would never arise, for nobody would ever give it.

Rev. D. Humphry.—Although, my lord, it may never arise in fact, take it in theory, and it will serve my purpose. Suppose Erasmus Smith had left an endowment of a dinner every day for the poor residing in a certain lane, and he added that those poor people are not to get this meat, except they take vinegar on it; suppose the poor of the lane would not take vinegar on the meat, but that the poor of the next lane had a special taste for vinegar, I would like to know would the persons disposing of the foundation be justified in taking the Endowment from those to whom he had left it with the vinegar, and giving it to others to whom he did not leave it at all.

236. Suppose the founder of a hospital in London had directed that the pupils in his school should wear blue coats with yellow sleeves, would the trustees be justified in inserting that in the Scheme?

Rev. D. Humphry.—No, my lord, they would not. Now, my lord, another point is, that this Endowment, left for the education of the tenants' children on his property, is as much a property by law as present as land is, and perhaps a more marketable property. The law says that if a certain quantity and quality of Intermediate Education is turned out, it shall be paid for. According to the law of the land, then, this legacy or Endowment which Erasmus Smith has left to the children of his tenants and other poor children, is as much a legal property as land is, or as the meat he would have ordered for the people living in the lane. I say if, then, he has left a legal property to specified schools, nothing less than an Act of Parliament can take that property from them. Again, supposing Erasmus Smith had left his Endowment to train a Company of Infantry, and suppose there was a certain book of drill at that time, and he prescribed this book of drill for their training. Of course, at that time that book of drill would contain directions as to the use of flint guns. I want to know, at the present day would the army be bound by that drill-book, or would a Commission, sitting to find out how to employ such an Endowment, be justified in recommending that a Company of Her Majesty's Infantry in the present day should be trained to the use of flint guns. Certainly they would not. For the same reason, I say that there is no reasonable ground to contend that the children who are legally entitled to this property of Erasmus Smith, must now submit to be instructed in the Catechism of the Westminster Divines, or in the Catechism of Archbishop Usher. These Catechisms are as much out of date now as flint guns.

~~See n. 122.~~ 307. You say the arm of precision is Alton Butler's Catechism.

Rev. D. Humphreys.—Precisely, my lord. Now I come to take direct issue with the amendment proposed by Lord Justice FitzGibbon and Dr. Trull. Mr. Justice O'Brien, at a meeting held on the 6th February, 1881, moved, and Professor Dougerty seconded a resolution—"That a revised scheme be prepared on the basis of a mixed Governing Body, to manage the Endowment, and that the benefit of the Endowment be available for all denominations without any religious test." Lord Justice FitzGibbon proposed, and Dr. Trull seconded an amendment—<sup>123</sup>"That due regard to the spirit of the founder's intentions requires the constitution of the Governing Body to be exclusively Protestant." I take direct issue with that amendment, and I say that due regard to the intentions of Erasmus Smith, in so far as we can find them out, requires no such thing, and leaves it open to provide for the establishment of a mixed body or even a Catholic Body. In his discursive ramble through Chancery, Mr. Carson has laid down one principle with which I thoroughly agree, and that is, that to find out what the intentions of the founder were, we must examine and consider carefully the history and circumstances of the time in which he lived. Now, my contention—which I am prepared to prove from clear historical evidence—is, that both in laying down the constitution of the Governing Body, in endowing the Schools, and in prescribing religious instruction to be given in the Schools, Erasmus Smith had no choice; he was not free. I am dealing first with the constitution of the Governing Body, and I say that the religion of the persons who composed that body is no evidence at all as to what Erasmus Smith wished to be the religion of the body that was to govern this foundation; because I say that he appointed these gentlemen as Governors of his Endowment, not on account of their religion at all, but because they were men of influence under the Governments from which he was to receive his lands, and who had it in their discretion to determine how much land he should get, what should be the quality of that land, and where he should get it. That is the position which I take up, and I undertake to prove it from historical evidence. Now, the first fact which I adduce in proof of this contention is, that this Erasmus Smith was one of the adventurers. Of course your lordships know who the adventurers were. In the year 1642, 2,500,000 acres in Ireland were confiscated on account of the rebellion of 1641. I know that one of your number, Dr. Trull, has spoken of bringing in considerations of equity in discussing this question. But the first point of equity to which I would call attention is this, that Irishmen were dispossessed of 2,500,000 acres because they rebelled against King Charles I., and these 2,500,000 acres were given to other men who had not only rebelled against King Charles I., but who actually cut off his head. So far as to the equity that appertains to this transaction. Now, Erasmus Smith was one of those adventurers. I quote first from "The Cromwellian Settlement of Ireland" by Prendergast. It is from that in fact that I take most of the evidence that I am about to bring forward. I find it bears very clearly on the history of the time in which Erasmus Smith lived. He was one of the adventurers. In pages 324 and 325 there is given a list of the adventurers who settled in the barony of Clanwilliam. Tipperary is in the barony of Clanwilliam. Not only is his name given there, but the number of pounds that he contributed, and the number of acres he got in return, both in Irish and English measure. Here we have it all on page 325, Erasmus Smith mentioned in the list of adventurers. He paid £1,345, and you will see from the indenture that he obtained lands.

308. Monsignor Merton.—What are you reading from?

Rev. D. Humphreys.—From Prendergast. Right across 3 rods and 22 perches, Irish measure, which is equal to 4,841 acres 2 rods and 1 perch English measure. Now, I am about to bring before your lordships the drift and force of my argument by a special case before I proceed further in this line. My argument is, that Erasmus Smith was in the service of the Governments of that time; first of Cromwell, and then of Charles II. for his lands. We see that he made the Indenture in 1657, and that the Act of Settlement was passed in 1662. We see that even that did not legalize his claim to even a part of the property. It was the Act of Explanation, passed three years afterwards, in 1665, which gave the trustees a legal right to the property. During that time then, when he was occupied in making the foundation, he was completely in the hands, first of the Government of Cromwell, and secondly of the Government of Charles II. It being in their hands to allot lands to him, it was his interest to appoint his trustee the men who were first the favourites and influential under Cromwell, and, secondly, the men who were the favourites and influential under Charles II. And that precisely was what he did. Now I will give you one case which illustrates the high road he was playing for, and how necessary it was for him to conciliate the favour of the Government in power. I have read for you that for £1,345 he got 1,890 Irish acres, or nearly 5,000 English acres, and I know that these 5,000 acres are the very best of the land in Limerick and Tipperary, with the exception of a small portion near Cashel. Erasmus Smith got for £1,345 nearly 5,000 acres of the best land in Tipperary; he got moreover in Tipperary, 1,811 acres for £300. I will just point out how this adventure fared in Ireland.

309. Dr. TRULL.—Do you suggest that he got land under the value at the time?

Rev. D. Humphreys.—I am not discussing the point at present, Doctor.

Dr. TRULL.—Lord Cock bought his whole estate at Youghal from Sir Walter Raleigh for £500.

Mr. Justice O'BRIEN.—He got the rest by a grant.

Rev. D. Humphreys.—There was another adventurer, Sir Nicholas Crisp.

310. Lord Justice FitzGibbon.—The bargain the monk cannot affect the rights of property now.

Rev. D. Humphreys.—I am going to show that it does, if you allow me. Sir Nicholas Crisp had his in the Government, as we see at page 346, (Prendergast) £3,300. Erasmus Smith had less altogether £1,345, and for £1,345 of his money Erasmus Smith got nearly 3,000 Irish acres of the best land in Tipperary. And did Sir Nicholas Crisp fare after giving £3,300? His petition, which is set forth here, states how he fared. It is given in page 341, and it shows that those vicar shares allotted to them in that same barony got just land like Erasmus Smith, "because they were at power in that evil time." I comment on words specially to your lordship's notice: "No man power in that evil time." He goes on to say that the practice was to divide the barony into four equal parts, and they, contrary to all justice and equity divided the one half into three parts, which should have been divided into equal quarters, by which unequal division his portion was in a bog and waste land, which he could not let for more than a pif rent. He says it is, therefore, his most humble prayer "that you will give an order to the Right Honourable Commission that there may be a view had of this indirect dealing, so that right be done to the petitioners therein." Now, my lords, to understand these words, it is necessary that you should see the drawing of the plot that has been so taken and divided.

311. Mr. Justice O'Brien.—Suppose now, Mr. Humphreys, that you establish your contention, what will those observations go to prove? What I understand your argument to be is, that Erasmus Smith, having

permitted that property for a small amount, he designated certain persons of influence as his trustees for this Endowment. Is that your argument?

Rev. D. Humphreys.—No, my lord. My argument is this that he has not got his property altogether free, that he had to depend on others for it.

312. Assume that his property being in an uncertain position, to obtain better terms for himself he designated certain persons of influence as his trustees; supposing you establish that conclusion, what use do you make of it?

Rev. D. Humphreys.—It is argued that, by the fact of the trustees he appointed being Protestants, we are bound to continue the religion of the present board of trustees, and that the board are going to appoint must be Protestant. I meet that argument by showing that Erasmus Smith appointed these gentlemen as his trustees, not because they were Protestants, but because they were influential persons under Cromwell's Government, and that the trustees he appointed in Charles II's time were appointed only because they were influential men under Charles II's Government. At that time he had not got the lands, and I can show what was then going on in Ireland. There was a dispute about the allotments between the adventurers and the soldiers. There was also a dispute between the officers and the soldiers, and it was said that the officers were taking and cheating the soldiers out of their lands. There was a dispute too between the officers themselves; as well these contentions it was of the first importance to Erasmus Smith that he should conciliate the favour of those who were in power, that he should be well thought of by the men who were parcelling out the land in Ireland. I can prove that these men were his trustees. Erasmus Smith liked a good dinner and he kept in favour with the Carvers under Cromwell and under the government that succeeded Cromwell. In view of your lordships what happened as a natural consequence—that Erasmus Smith who kept in the good grace of the influential men in Ireland under the government of Cromwell, and under the government of Charles II, got £1,345 nearly 3,000 acres of the best land in Limerick and Tipperary, while another similar adventurer who did not cultivate this influence, either because he had not such influence in his favour, or because of the unequal dealing practised in evil times, got for £5,000 a bog on the banks of the Shannon. To understand this argument it is necessary to show your lordships this diagram which is in the work, and which shows the land that was to be divided, and how he got three parts of a quarter, and was put down in a bog. I quote that to show that it was of the first importance to Erasmus Smith to keep in favour with them of influence, first under Cromwell, and secondly under Charles II. I shall later on show you who those men were and that they were special friends, first of Cromwell's government, and second of Charles II's government.

313. Dr. TANILL.—Do you suggest that he was a good Roman Catholic all the time?

Rev. D. Humphreys.—I suggest no such thing. I have heard you once say a very good thing, that you should always get your adversary to admit something he cannot deny. To understand this question it is necessary to go back to the plantation under Cromwell. As your lordships are aware 2,500,000 acres were confiscated in 1642. These lands were seized on account of the rebellion of 1641 according to the scheme of the Parliament of England for the suppression of the rebellion in Ireland. Those 2,500,000 acres were transferred as security to those who could advance money for providing an army to quell that rebellion, but before it could be quelled there was a rebellion in England against King Charles I, and the army was taken there to fight against him. The war was not entirely over until the 26th September, 1653.

314. Mr. Justice O'BRIEN.—We are all entirely of opinion that the tendency of this argument cannot convince in any way to illustrate the inquiry we are

engaged in. I concede all you say to be true—that during the Commonwealth and afterwards, after the Restoration, Erasmus Smith stood in such a position that it was advisable for him to conciliate certain persons and name them as his trustees. According to my view of the law if a person who attempts to have a trust in Westminster dies and names as trustees existing members of the English Cabinet, on that will no question could arise; it would not affect the question at all. The nature of this argument you are now advancing appears to me to weaken rather than to advance the general result of what you contend. And further it detracts in my own opinion from the nature of your argument in other respects. It cannot in any way advance the object of this present inquiry.

Rev. D. Humphreys.—My lord, if you would allow me, I have only commenced my arguments.

315. We admit all you say, that the constitution of this body arose from some motive in his own mind. It cannot affect the question.

Rev. D. Humphreys.—My lord, before your lordship joined this Commission, an inquiry is, I think the year 1886, into the religion of each of the members that composed the body of trustees, was gone into.

316. In my opinion you have some advantage in the consideration that there is nothing said about the religion of these trustees.

Rev. D. Humphreys.—My lord, I am afraid you do not understand my argument. It has been contended here by the Protestant party that the religion of each of the persons appointed under Cromwell as trustees, being Protestant, the religion of all persons to be appointed now must be Protestant also.

317. Lord Justice FIRTH.—That is not the argument originally. You want to show that Erasmus Smith was a man who would approve of what was pleasing to the Government of the day. The question is, what did he approve of? We must confine you to arguments that have some bearing on the matter.

Rev. D. Humphreys.—But you have not heard my argument yet. I have only laid down the foundation of it.

318. Mr. Justice O'BRIEN.—We have intimated that if you arrive at the conclusion you contend for, it will not affect the question.

Rev. D. Humphreys.—Before your lordship joined this Commission, Protestants and Presbyterians and other denominations of Protestantism went minutely into the religion of each of the persons appointed under Cromwell as trustees.

319. Lord Justice FIRTH.—You must see why it was gone into, and how it was relevant.

Rev. D. Humphreys.—It was gone into to prove that the religion of the Governing Body must be Protestant. Of course, I labour under great difficulties. I am only a layman.

320. Mr. Justice O'BRIEN.—In this matter you are labouring under no disadvantage, because you are arguing a proposition, the irrelevance of which can be seen.

Rev. D. Humphreys.—Unless you allow me to state my argument, I cannot establish the point I wish to put before you.

321. Do not say that you have been prevented from stating your argument, where you have had intimation that if you establish your conclusion it is not relevant. I say again that if you establish, to my satisfaction, that every one of these Trustees was a member of the Cabinet under the Government, it would not affect my opinion in law.

Rev. D. Humphreys.—My contention is that Erasmus Smith appointed the Trustees, first under Cromwell, not on account of their religion, but because they were men of influence; and secondly under Charles II, for the same reason.

Mr. Justice O'BRIEN.—We assume that.

Rev. D. Humphreys.—I have quoted evidence to show how necessary it was. If your lordships will allow me I will quote Mr. Prendergast.

Mr. Justice O'BRIEN.—It is not at all relevant to

Oct. 11, 1898. this inquiry. We are not limiting your arguments at all. In any matter that is relevant or material we will hear you, but we must impose limits.

*Rev. D. Humphrys.*—My lord, I respectfully submit that I have not opened my argument at all.

*Mr. Justice O'BRIEN.*—You have opened a very clear argument, but we cannot say this is material.

*Rev. D. Humphrys.*—I respectfully request that you would hear me a little longer.

*Mr. Justice O'BRIEN.*—Not on this part of the question.

*Lord Justice Fitzgerald.*—I should regret that you considered we did not hear you fully. But it is our duty as judges not to waste time in listening to things that we are not relevant. We have carefully read the printed statement you sent in, and have been observing that you have been to a great extent enforcing what you have already put in print. It is only fair to acknowledge that you have sometimes been giving greater force to what we have in print. But now you want to enforce some of this printed matter which is not relevant; therefore we ought not to hear it.

*Rev. D. Humphrys.*—Of course I bow to your decision, but this argument is not in the book at all that I sent in. I have tendered a large quantity of matter which is not in that book.

*Lord Justice Fitzgerald.*—You have, and as far as it is relevant we have heard it.

*Rev. D. Humphrys.*—Now, my lords, I shall proceed to examine the arguments brought from Chancery by Mr. Carson, and I would remark in the first place that I have read nearly all the evidence and arguments bearing on this Endowment that was brought before the Commissions of 1857-58, 1880, and this Commission of 1885, and during all that discussion I have never seen cause from Chancery introduced into the discussion of this question. That is the more remarkable because the only advocate here at present of the Catholic claims is a layman. Eminent learned counsel have appeared before you on behalf of Catholic schoolmasters, and no arguments from Chancery were adduced before those gentlemen. Now perhaps I shall again be accused of impugning motives if I say that these arguments in Chancery have been put at my head in order to damage me, or that there has been an attempt to fiddle up this question in legal cotwob, and leave it not where it is for 250 years more. I respectfully submit that all the decisions from Chancery that Mr. Carson has brought to bear on the consideration of this Endowment are altogether beside the mark. In all these decisions, the question was to find what was the intention of the founder on doubtful data or evidence alone. First to determine what his intention was, the only data to determine it was doubtful data or evidence. Secondly, to determine what his intention must be under the alleged state of circumstances, the only evidence again given to decide the question was doubtful; and in none of those cases was there any principle, any fixed principle, any irrevocable principle, obliging the judge to give his decision in one direction, and in one direction alone. Now, I submit, that in considering this Endowment, we have a principle, a most distinct principle, which is to decide your Commission, my lords, in determining what was the will of the founder, and how much regard you are to have to the spirit of his intention. That unshakable, distinct principle is to be found in the 3rd clause of Section 13 of the Educational Endowments Act. Now, my lords, I contend that in weighing what Edmund Smith's intention was, and what amount of regard you are to have to the spirit of his intention, that you are to be directed specially by this unshakable, distinct principle laid down in the 3rd clause of Section 13. If the 1st clause were read alone, namely, that in forming a scheme, it shall be the duty of the Commissioners, with respect to the constitution of the governing body and to educational

provisions, to have regard to the spirit of the founder's intentions—if that clause stood alone, it would be your duty to consider two things: first, what the intention of the founder was; and, secondly, what regard you are to have to the spirit of the intention. But that clause is not read alone. It is to be read in connection with the third section, which provides that you are not to allow what is specially set aside for a poor class, within a particular locality or area, to be taken away from them. I submit that this distinct principle, so clearly laid down in the 3rd clause of Section 13 is absolute, and there is no corresponding principle in any case adduced from the Court of Chancery by Mr. Carson. In every case that he adduced, the problem before the Court was what was the will of the founder, and the only evidence the judge had was doubtful evidence in all these cases. There was no fixity, no unshakable principle outside the doubtful evidence on which the judgment of the judge was to be based. Now, I submit that we have here, in the 3rd clause of Section 13, a fixed, distinct, and absolute principle which must guide your leadership in determining what amount of regard you are to have to the spirit of the founder's intention. Here it obliges you not to give such regard to the spirit of the founder's intention as would take any from the Catholic tenants of the estate the property which this 3rd clause says most distinctly in the property. In framing this scheme it shall be the duty of the Commissioners, with respect both to the constitution of the Governing Body and to educational provisions, to have regard to the spirit of the founder's intention; but above all to provide against any set aside for the poor within a particular area being taken away from them. Where the funds of the Educational Endowment has expressly provided for the education of the children belonging to the Tipperary Grammar School district, the Endowment for their education is to be continued available in them in this district. Now, my lords, if you are to pay regard to the spirit of the intentions of Edmund Smith in framing the constitution of the Governing Body, you are to put in a provision that would make the Endowment applicable to the tenants' children in the estates. I then repeat that this 3rd clause of Section 13 puts out of court altogether all the arguments adduced by Mr. Carson from Chancery, and in the same reason all the decisions of the Educational Endowments Commission. He has himself said that those decisions ought to be left out on another ground, because the two Acts are different. Now, my lords, I respectfully submit, although I am sorry to say that an argument to which I attach the most importance has been shut out.

*325. Mr. Justice O'Hagan.*—In all questions there must be somebody to rule. You will see that you have said what was important on other branches of the case, and I do not understand why you should wish to push doubtful arguments. You have often argued this matter with very great force. You did with great reason that in those cases the judge was not directed by any great principle which you would stand in his way. We understand that argument perfectly.

*Rev. D. Humphrys.*—Quite so, my lord; but I submit that I have proved the amendment to the resolution of the 6th January is not sustained by evidence. The resolution of the 6th January is to the effect that a Draft Scheme be prepared on the basis of a neutral or mixed board of Governors, and subject to no religious test. I agree with that resolution, that is to say as far as it admits a mixed Governing Body, and throws the Endowment open to persons of all denominations without any religious test. But I dissent from the resolution in so far as it takes away the Endowment from the tenant children and the other poor children until they are first supplied. I submit that this resolution would be a suitable one to adopt:—"That a Draft Scheme be prepared on the basis of a neutral or mixed body to

usage the Endowments, all the benefits of the Endowments being available for all the children of the tenants of all the estates formerly held by Erasmus Smith, and for the other children for whom he intended his Endowment, of all religious denominations without any religious test." I submit that to throw open the Endowments to all denominations throughout Ireland is a direct violation of the clause of the 13th Section of the Act, because that clause says that where the founder of the Educational Endowment expressly provided for the children of the tenants on the estate they should not be deprived of the Endowment.

331. Mr. Justice O'BRIEN.—That resolution was merely a direction for preparing the Scheme. Do you see anything in the Scheme that diverts this charity from the locality, or from the persons entitled, and give it over Ireland?

Rev. D. Humphry.—Yes, my lord, there is that clause in it.

332. All denominations does not mean all denominations all over Ireland. I think you are under a misapprehension in that resolution. According to my view, it does not divert this charity.

Lord Justice FITZGIBBON.—The Scheme does appear to me to open the Endowment indiscriminately to persons of all denominations all over Ireland, irrespective of locality.

Rev. D. Humphry.—Yes, and I altogether object to that. I say that it is against the express directions of Erasmus Smith, that any part of the Endowment should be given to persons outside the estates formerly held by him, and within two miles of each of the Schools. I say it is a direct violation of his intention to confine this class, until all this class are supplied.

333. Mr. Justice O'BRIEN.—According to my idea, the Scheme expressly provides that persons on these estates are to be provided for, before any of this Endowment is to be used for any other purpose.

Rev. D. Humphry.—Monsignor Molloy has given my view.

334. Monsignor MOLLOY.—It is quite true that in the Draft Scheme, a large portion of the Endowment is intended to all Ireland, and I have objected to that provision.

Rev. D. Humphry.—I am against extending it still outside the locality. I would quote the decision of the Commission of the Privy Council regarding the Royal School Endowments. I heard Lord Justice Fitzgerald state on the Commission on the Royal Schools, in 1858, that the King gave the Protestant Prince permission to fix the sites of the Royal Schools throughout Ulster.

335. Lord Justice FITZGIBBON.—If the first claim fails for the children to whom it was left by Erasmus Smith, it does appear to me that it necessarily follows that those cases you refer to would apply, and that neither Protestant nor Roman Catholic would have any claim on the Endowment until all these first claims had been satisfied; but that does not appear to me to be the principle on which the Scheme has been drafted.

336. Mr. Justice O'BRIEN.—It is provided that if in my year a sufficient number of candidates shall not present themselves, the Governors may open the competition throughout Ireland. What else have they to do with the money, supposing they are going to use it?

Rev. D. Humphry.—With regard to what Lord Justice Fitzgerald said as to excluding Protestants and other denominations, I want no such thing. I want to give the Endowments to all the children on the estates, let them be Protestants or Catholics.

Mr. Justice O'BRIEN.—There is no single clause in the Scheme that does not provide in the first instance for the children on the estates. You will find the same view expressed in clause 29.

Lord Justice FITZGIBBON.—Clause 29 is limited to sum not exceeding one-sixth. It may be as little as the Governors like, but it is not to exceed one-sixth.

Rev. D. Humphry.—What I wish to have done is to keep the Endowment on the estate and to open it to all religious denominations on the estates.

336. Monsignor MOLLOY.—We take your argument to be that the Endowment should be made available for all the children living on the estates.

Rev. D. Humphry.—Precisely; but I dissent so far as it opens any part of the Endowment to outsiders. That view even is in accord with the decision of the Privy Council with regard to the Royal Schools. Although in the foundation of the Royal Schools the King had left a discretion to the Protestant Primate of Armagh, to found schools in any part of the province he would think fit, although in accordance with that principle the Commissioners set aside £1,600 to give prizes in the province, yet, in the face of all that, the Privy Council set aside that provision, and insisted that the money for the Portora Royal School should be given to the Portora Royal School. Now that opens up a very important point for us—it is this—that a very large sum of money also has been obtained by the Governors from the Railway Company, and I should think from the Government for the site of the Military Barracks in Tipperary. The railway runs through a large portion of the very rich land belonging to the Governors, and that money as I am informed has accumulated to a large sum, in 1870 there was £20,000 in bank. So here on the same principle as that adopted with regard to the Royal Schools, I would say that money should be given to the district to which it belongs.

337. Mr. Justice O'BRIEN.—Does the fund exist at present?

Rev. D. Humphry.—Yes, my lord.

338. It belongs undoubtedly to the trust.

Rev. D. Humphry.—I would claim it on the principle adopted by the Privy Council which gave to the Portora Royal School the money coming in every year, and the accumulation in bank. I would claim for Tipperary District the money that was got from the Railway Company and for the site of the Military Barracks from the Government. Now, my lords, it would appear that an attempt has been made to endow still further the High School in Harcourt Street. I have before advised Lord Justice Fitzgerald to prove on his own showing that the maintenance of the High School in Harcourt Street is against the founder's intention. I refer to his decision in the case of the Ballyroan Endowment. He said on account of the 3rd clause of the 13th Section that the trust cannot be removed from Ballyroan. I quote this to show that the Lord Justice says a school cannot be established in Maryborough for it would not be available for Ballyroan, but that it might be established in Abbeyleix which was only three miles distant from Ballyroan.

339. I fear you have a difficulty in applying that argument because it has been determined to divide that endowment between Abbeyleix and Maryborough.

Rev. D. Humphry.—I am only quoting the interpretation of Lord Justice Fitzgerald. It was there urged that a very efficient school might be established in Maryborough, while only a poor school could be established in Abbeyleix. The Lord Justice replied that you might found a school at Maryborough, but that that would not be carrying out the intention of the founder and that the money should be kept within the district, so far as it was necessary. Therefore when the Lord Justice says that the High School at Harcourt Street is efficient and ought to be maintained, I would quote his words against himself; it is not a school that the founder intended to be established and maintained. He intended that his Schools should be within reach of the children of the tenants living on his estate and other poor children living near his Schools.

340. Always assuming that it was requisite for them.

*Rev. D. Humphreys.*—Yes; and I have another instance where the Lord Justice has expressed the same opinion referring to Leam's School in Limerick. I think Dr. Trull objected to the decision as to dividing the endowment of the Limerick School. He said that it was a very efficient school and that it should not be interfered with, but the Lord Justice replied, "Yes, it is a very efficient school, but it is not a school that carries out the founder's intention."

332. *Lord Justice Fitzgerald.*—There is the higher authority of the Privy Council on that proposition now. You are quoting an over-ruled opinion.

*Rev. D. Humphreys.*—The Privy Council has over-ruled it, but whether your lordship agrees with it I do not know. My argument is that you cannot have one principle of interpretation for Harcourt Street and another for Morbrough or Limerick.

333. *Mr. Justice O'Brien.*—On my view of the Limerick case the endowment remains in the same locality and, therefore, it is not applicable to Harcourt Street.

*Rev. D. Humphreys.*—Yes, but the point I am coming to is that it is not a sufficient excuse to depart from the founder's intention to say that the School is efficient. If it is argued that the High School in Harcourt Street is efficient, then I say the argument does not hold, for it may be efficient but it is not according to the intention of the founder. Now as to the constitution of the Governing Body I say that judges ought not to be put on again. I see that Lord Justice Fitzgerald objects to judges being put on, and quotes a decision which I do not know of the Privy Council. I would altogether change that arrangement of the Scheme. Again, considering the history of the time judges ought not to be put on the Governing Body. First, looking at the manner in which they have managed the Endowment hitherto I think their services ought not to be continued. I would say that they were put on first by Erasmus Smith, not because they were judges, but because they were friends of the Government who had in those evil days the power to give him a large slice of land, as they did, and in a quarter which would make the property more valuable. I say that was the reason the persons named under both Governments were put on as trustees, first under Cromwell, and secondly under Charles II. If I should be permitted to reply to an argument that has been used heretofore regarding the religion of the members, first under Cromwell's, and secondly under Charles II's government, I should like to do so. I would refer to one of his Trustees, Dr. Henry Jones. Now, I think the very fact that Erasmus Smith appointed Dr. Henry Jones on both these Commissions, is a clear proof that in appointing his Trustees he paid little regard to religion, or that he was not free. Who was Dr. Henry Jones? He was one of the four sons of Dr. Jones, Protestant Bishop of Killaloe. His brother was Governor of Dublin, and a special friend of Cromwell. Of course, then, this Dr. Henry Jones was a person of great influence with Cromwell, and was, moreover, one of the Commissioners appointed by Cromwell to give dispensations in the Act of Transplantation. All the Catholics outside Connacht were ordered to retire into Connacht or pain of death, except labourers, artisans, ploughmen and others not worth £10. They were ordered to leave the other parts of Ireland before the first of May, 1654. Many could not get away so quickly, and had to apply for dispensations, and one of the persons who was appointed to give these dispensations was Dr. Henry Jones. But now, let us come to his religious character. He was at first Bishop of Clogher, then in Cromwell's time he became a Presbyterian and the secret-master general in Cromwell's army. After Cromwell's death, and when Charles II. came in he becomes again Henry Lord Bishop of Meath.

337. *Mr. Justice O'Brien.*—Having been a Presbyterian in the meantime?

*Rev. D. Humphreys.*—He was anything you please, my lord, so long as he was well provided for. His reminds me of Macaulay's description of Churchill. Macaulay says Churchill did not care a straw what king reigned in England so long as he sat every day at dinner three courses and a bottle of port. Lord Henry Jones appears to have been a gentleman of the same religious opinions. Now, the very fact that Erasmus Smith appointed such a man, as one of his Trustees, is a clear proof that in appointing his Trustees he paid no regard at all to religion. Here was a man who was a Bishop of the Protestant Church; he renounced Episcopacy under Cromwell when he found that it would not pay. Then, when Cromwell died, and Charles II. was on the throne, he again became a bishop. He clearly changed and rechanged his religion from the most sordid and mean motives. I say, then, that the very fact that Erasmus Smith appointed Henry Jones, first under Cromwell, and secondly under Charles II., is conclusive proof that he did not pay the slightest regard to religion in appointing his Trustees, and was not very averse in propagating it. I ask any man, Protestant or Catholic, whether he thinks of a man of that class? He is a Protestant Bishop to-day; he becomes a Presbyterian to-morrow; then he goes back to Episcopacy again. The very fact that Erasmus Smith appointed such a man twice as one of his Trustees ought to be a decided proof that either Erasmus Smith paid no attention to religion in appointing his Trustees, or if he did that he was not free. He was not free in making those appointments, as I contend he was not, there is no argument that the religion of the persons he appointed was to be the religion of his Trustees. We are told we ought to have regard to the spirit of the founder's intention. If we are to take the religion of his Trustees as an indication of his intention, the appointment of Lord Henry Jones, first under Cromwell, and secondly under Charles II., will go to show that no man should now be appointed as Trustee to this Endowment except he had changed his religion twice, and not from conscientious motives, but from the most sordid and selfish motives. Here is another Trustee—Major Anthony Morgan, an officer in Cromwell's army, and a commissioner of revenue. He was a member of Parliament and spoke in Parliament, and he desired that three beasts ought to be exterminated in Ireland, on the head of each of which should £5; one beast was the wolf, another was the priest, the third was the Tory. Tories in those days were very different from those who are called Tories now. The Tories in those days were the Irish gentry and the other Irish proprietors who were dispossessed, and had to fly to the mountains for their lives, and the Tories of those days did not allow themselves to be ruled with impunity. They exercised a very salutary influence on those who were usurping their property.

338. I think any renewal of the discussion might be closed by the unanimous opinion of the bench not desirable. We cannot consider the observations to be useful. I certainly for myself am of opinion that as you have already been informed that this part of the matter is not material at all, you ought not to occupy further time with it.

*Rev. D. Humphreys.*—I shall not refer to it further, my lord, there are arguments which are very important, and this is not one of those in my book. I shall make no further reference to them, but confine myself to questions of fact. It has been stated by Dr. Trull that the Catechism of the Westminster Divines has been composed on Archbishop Usher's Catechism.

339. It cannot have been, because it was before 1662.

*Rev. D. Humphreys.*—Yes. But I can referring to what Dr. Trull has said.

340. This part of the case belongs entirely to the General Representative Body of the Presbyterian Community.

*Rev. D. Humphreys.*—Yes, my lord, but I have no interest in the case.

341. You have, so far as Erasmus Smith's intention can be deduced from it.

Rev. D. Humphrys.—I have a very important argument from the Catechism. I say that each of the ten Catechisms was the Catechism of the Government of the day. That of the Westminster Divines was composed by 120 divines, and 30 laymen, 10 lords, and 20 commoners.

342. Lord Justice FITZGERALD.—We must consider doctrine and convenience of others. That argument is the same that we have ruled to be irrelevant.

Rev. D. Humphrys.—The question of the Catechism gives an important argument which I shall very briefly state. Erasmus Smith selected those Catechisms, not on account of what was taught in them, but because they were at the time the Catechisms of the Government.

343. I have told you that when you have stated that there is no more to be said upon it.

Rev. D. Humphrys.—Yes, my lord. The Book of Common Prayer was set aside and the Catechism of the Westminster Divines was put in its place. Dr. Erasmus Smith adopted that Catechism. When Charles II came to the throne that Catechism of the Westminster Divines was set aside and another Catechism introduced. It is here objected why was at the Catechism of the Protestant Church of Ireland rejected. We have no evidence that there was any other Catechism used in the Protestant Church of Ireland. The reason Usher's Catechism was put in was because he was the representative of the King in Ireland and one of his friends, and he having written a Catechism, it is only natural that Erasmus Smith should put in that Catechism as the Catechism of his Schools. Afterwards he introduced this Catechism into Trinity College. Of course the man's position gave him the means of carrying that out. He introduced it into Trinity College, but it was thrown out—strangled. He suggested Usher's Catechism simply because it was the Catechism of the Government of the time.

There is for me a very strong argument from the letter of the 6th June, 1682, for in that letter Erasmus Smith says that religious instruction, exposition and the reading of the Scriptures must be given in his schools "because the rule and statutes of His Majesty commanded it." Now, I found a very strong argument on that. When Cromwell was in power the Catechism of the Westminster Divines was the Catechism that Erasmus Smith recommended. When Charles II succeeded, then the Catechism of the Westminster Divines was set aside and the Catechism of Usher came in. So he perfectly justified in saying that Erasmus Smith when now would say, "the education which is now to be given is what Her Majesty the Queen commands." To Queen, in the statute passed in 1678, commands that no religious education is to be enforced in any of her schools. So, judging by what Erasmus Smith did, seeing that he simply did what the Sovereign commanded, under Cromwell and under Charles II, now, when the Queen is reigning he would follow the same way, being a law-abiding man of course, and he would say now, that he would not have any religious test, because Her Majesty the Queen had so commanded. Now, in forming a new Board of Governors, they warrant bound to appoint Protestants exclusively. I have, in an amendment, suggested to put aside the present Board, and to introduce the President of Maynooth College; the President of Trinity College; the Protestant and Catholic Archbishops of Dublin, and the Catholic Archbishop, the Catholic and Protestant Bishop and the Protestant and Presbyterian Clergyman of the districts in which the estates lie. I say we are not bound to appoint judges because Erasmus Smith appointed judges: to consult their favour he put them on as Trustees; no necessity exists for putting them on the Board now. The only thing we have to do now, is to make such appointments as will secure the best administration of the funds, and go on the principle that taxation ought to have

representation, and that the different bodies should be elected from the localities in which the funds are found. I do not want to take away this fund from Catholics or Protestants, or Presbyterians, or any denomination, but that it be given to all the tenants. I have merely sought to enforce, that on the Board every single religious denomination should be represented. I have suggested on the Board a Catholic Bishop and Archbishop, together with a Protestant Bishop and Archbishop; then I have suggested the Protestant Clergyman and the Presbyterian Clergyman of the locality in proportion to the denominations in the locality, to be on the Board. I, moreover, have suggested that if that does not give sufficient representation to a particular religious denomination, according to numbers, they are to get other representatives. As to numbers, the great majority undoubtedly are Catholics in Tipperary, and the Protestants are nowhere there at present, but even so, I have endeavoured to give them a large representation, putting on the Board Protestant Bishops and Clergymen, and also Presbyterians. I think that this Commission in appointing the Board should be guided by two principles; first to appoint those who would manage the Endowment well, and secondly those who would manage the educational part well. I say that these two principles ought to guide this Commission in appointing the Board of Trustees.

344. Dr. TRAINE.—You do not propose to make it a Board equally Roman Catholic and Protestant, but a Board with a large Roman Catholic majority?

Rev. D. Humphrys.—Yes, because the Roman Catholics are the largest portion of the population, and they also contribute nearly all the money.

345. Mr. Justice O'BRIEN.—I suppose that may be taken as concluding in general the scope of your argument.

Rev. D. Humphrys.—Yes, my lord, on that point.

346. There is not a single part of the subject that you have not touched on. You have given us very great assistance.

Rev. D. Humphrys.—There is one point which is very material on which I wish to reply. Mr. O'Brien has asked what is the reason that in the appointments to Erasmus Smith's Schools, all were obliged to be Protestant teachers. I say that that was the law of the land then, when every teacher was obliged to obey, and to sign the two first Canons of the Protestant Church, as every minister and clergyman was obliged to sign the 39 Articles. A great deal has been made of the fact that the children were to be apprenticed out to Protestant Masters. They could not let them out to any others; it was the law of the land that all the poor children should be instructed in the Protestant faith and Catechism. There was not a single specification that the teachers should be Protestant, but it was the law of the land. It is objected that Erasmus Smith lived many years after he made these rules, and that he did not alter them; but they leave out, very interestingly, one condition—he could not alter them so as to come against the religion of the Kingdom than as by law established. Hence, every direction given by him was prescribed by law; he could not have avoided them; he simply did what he was obliged to do, and it is no indication whatever of his religious opinions that he did not try to disobey the law. It was the law that all the poor Catholics residing outside of Connacht should attend every Sunday on the Protestant clergy for instruction and be instructed in the Catechism. It was made a rule that the children of Catholics were to be instructed wholly by the Protestant clergymen. Hence the history of the times proves most conclusively that Erasmus Smith was obliged, first, to introduce the Catechism of the Westminster Divines, and afterwards the Catechism of Archbishop Usher; and that he was equally obliged by law to have prayers said in the Schools and the Church Catechism taught because it was the law of the land at that time.

ask it, sir.

347. Dr. TRAILL.—He was not obliged by the law of the land to give the property. He did that voluntarily out of his own bounty, with his eyes open.

Rev. D. Humphreys.—My contention is that he got the property expressly on the condition that he was to found those Schools.

348. He bought the property, and paid his money for it, and he might have kept it.

Rev. D. Humphreys.—Before ever he got the property, he had arranged to found the Schools. I thought I had disposed of that before. My lords, I thank you very much for the patience with which you have listened to me, and if I have said anything not to your lordships' liking, I beg you to remember that I am only an amateur and clumsy lawyer.

Mr. Justice O'BRIEN.—Indeed you need make no apology. You are not at all what you describe yourself.

Mr. Dodd, Q.C.—My lords, I appear in this case on behalf of the Intermediate Education Committee of the General Assembly, and of Dr. Martin, the Convener. The side of united Intermediate Education has been before Dr. Martin's mind for many years, and in that he has been in sympathy with the great body of his co-religionists. But it is an idea which has, in the present case, been driven out of practical consideration by the action of this Commission; and there is rather a touch of irony in the situation, inasmuch as the first time he hears it proposed by a representative of the Church of Rome is on an occasion when he cannot, in honesty and in justice, say that he ought to assent to it. The reason of that is, because, on the best consideration he has been able to give the matter, he has formed a clear idea of the view Erasmus Smith took upon the differences between the two Churches, the Church of Rome and the Protestant Church, and also upon the view Erasmus Smith took as regards the differences of opinion inside the Protestant Church itself. Therefore, he instructs me to argue the case as presented in the objection before you, and which I take it for granted the Commissioners have read. I do not intend to go over the ground that has been traversed by the previous speakers, or to enter into a controversy with Mr. Carson. I shall confine myself to a few observations on the documents. We desire to give the Commission as much assistance as we can in arriving at a conclusion on the matter before it; and, therefore, we have endeavoured to find out as much as we could about Erasmus Smith, and whether he has conveyed his opinions in any other documents, or by any other acts, than those which are already before this tribunal; and thereby to assist the Commission in endeavouring to ascertain his intention, carrying out the law as it was laid down in the case of the Rev. Mr. Drummond v. Attorney-General, in which the House of Lords decided, that in matters of this kind the court must put itself as far as it can in the position of the person who made the Deed. That is put very clearly by Lord Brougham and Lord Cottenham. Now, as far as we can ascertain, Erasmus Smith was born in 1610. He appears to have belonged to a family the head of which was Sir Roger Smith, of Leicestershire; he seems to have been a second son, and is so referred to in Bishop's *Exoneta Peccatorum*. It is related of him that in 1633 he bought an estate, he being then seventy-three years of age. If that be correct, though the date of his birth is not given, he must have been born in 1610. His Will was made in 1690, and a codicil to it was made in 1691. By his Will he appointed certain persons to be his Trustees, and certain persons to be guardians of his children; and he makes a bequest or two to which I will ask your consideration. Now, the first piece of evidence we have about him is during the time of Charles I. We have information of what he was doing in 1642. That you will remember, was the time when the Parliamentarian party and the King had taken opposite sides, now Parliament, according to

set on behalf of the King, and yet proceeding against the King. We find him obtaining Irish lands in 1642, immediately after the outbreak in Ireland; and the Puritan view of that outbreak was that it was fomented by the King, to enable him to get an army for the purpose of suppressing the Puritan Religion. We find Erasmus Smith made his first adventure in Ireland in 1643, and in that year he acquired a considerable portion of the property.

350. Mr. Justice O'BRIEN.—How does it appear that that was the date?

Mr. Dodd.—I understood it appeared on the documents before the Commission. We will give evidence of it, if necessary. It was then he adventure. I will be very short on these matters, but I think they may be of importance to you in deciding the question you have to decide, and may guide the Commission in seeing what was the paramount idea of the man throughout his life. There were masters of weekly business to which he was attending in 1643 and 1650, because he was siding the party of the Commonwealth as against the King. He was supplying armed forces free, for the use of the army in Ireland, and a warrant was given to him to ship that outward to Ireland. Again in 1650 a warrant was granted to him to ship 100 quarters of wheat to Dublin and Carrickfergus, and in September, 1650, he was not only rewarded, but paid for shipping 271 quarters of wheat for the use of the army in Scotland, and he was paid £271 2s. 6d.; and in October, 1650, he was paid £357 2s. 6d. for shipping another 370 quarters of wheat for the army in Scotland. The last date we have is November 1st, 1651, when he shipped fifty tons of oatmeal, for which he was paid on account £310. So that we have him an active participant with the Puritan party, directly opposed to King Charles, in the struggle—a struggle he pre-occupied, and to have the largest right granted to all the inhabitants of the Kingdom—a party that followed Hampden and Pym.

351. Mr. Justice O'BRIEN.—He was a participant in the accession of Charles II.

Mr. Dodd.—Yes.

352. Co-operating with him?

Mr. Dodd.—Yes, co-operating with him. During the time of Charles I. we have only his one act of venturing in Irish land in 1643. During the Commonwealth we have his proceedings in aiding and abetting by supplying provisions to the Parliamentary party. And we have, during that period, the Deed of 1651, the first document that you have to interpret. The first remark I have to make is that it was perfectly competent to Erasmus Smith at that time to give it up. If he had simply sought to get money from the Commonwealth it was open to him to do so. But if he had a desire to promote the objects of the Parliamentary party it was open to him to make use of that purpose. And he did so; and there was no compulsion put on him, as was suggested by Mr. Humphreys, to do so at all. He might have withheld or given. But the time he chooses to give it is when the Puritan party are in power, and under those circumstances it is an indication, so far as goes, of what the bent of his mind was. He was member of the Parish of Clarkenwell, which has a very curious history. Mr. Martin can tell you the names of the various clergymen that presided there from the year 1600 down to 1681. You may see it that they were all men of the same temper and spirit, which was manifested by Erasmus Smith himself. One of them was called "Sparkes."

Mr. Justice O'BRIEN.— Sparks—an inflammatory character.

Mr. Dodd.—One of the sermons he preached was entitled "Scientific Alarms" or Sparks of the Age; another was "Pilule Pestilentialis, being a specific for the cure of the Plague". So the whole impelled the man of the name with whom he was associated in Clarkenwell, shows what manner of man Erasmus Smith probably was. There is a reference in the Will

that perhaps it may be necessary for me to explain for us. "We have not been able to trace his baptism or burial except that he deserved to be buried as near his wife as possible, which was in Hamerton. Dr. Martin has made communication with the Vicar of Hamerton; all the gravestones seem to have been moved, but the tradition is that Erasmus Smith was buried there. The only sign of the family Dr. Martin could trace was the mother-in-law."

353. Mr. Justice O'BRIEN.—Did they find her burial?

Mr. DODD.—They did. It was in 1681. There is a very long tribute to her memory on the tombstone which ends with "Fare, Fare."

Mr. Justice O'BRIEN.—No doubt he said that.

Mr. DODD.—And it concludes with "*Puritanus fidelis*"; whatever that may mean. It is obvious that he died after the Restoration, and must have been a bachelor during the Commonwealth. In his Will, in 1680, he refers to his nine children, but no all being male age. He makes a provision that when his daughter attains age, he is to be the guardian of his younger sons and elder daughter and other daughters, and to give the headship of the family to his eldest son and daughter. His wife must have predeceased him, because he desired to be buried close to her. He must have married pretty late in life, and at any rate after the Restoration, as all his children were sons. He seems to have married into a Royalist family. He married Miss Hart, daughter of Lord Goring, who was made a Peer by Charles at an earlier date. Very possibly Charles, to whom Erasmus Smith paid court, had considered himself to have done a good thing by getting one of his wards married to a godly substantial gentleman like Erasmus Smith, for he said that he was accounted for the highest value in the parish of Clerkenwell. He survived to the time of William and Mary, he lived till 1691; that is to say, he survived the Restoration, the Declaration of Indulgence and the Toleration Act of the Revolution. Curiously enough we have records of his opinions during the time of Charles I, the Commonwealth, the Restoration and after the Revolution, and they all point one way: they all show that he was an extreme Puritan and an extreme Puritan; but they also show that he was perfectly willing to include all Presbyterians in one common Church. It was his desire, and that of those he was associated with, that, while they were very strict in certain parts of doctrine, they were anxious for complete union, and it was only in 1689, two years before the making of his Will, that the party with which he was associated, gave up the hope of having the Presbyterians and Independents included inside the National Church, and so when they first saw that it was inevitable there should be two churches for the future. That is made manifest by some documents that I will open for you. There was a deed made by him, and a single acre between him and the Commissioners as to whether he could not, when Charles II came to the throne, divert some of the property, whether he could not bring some of the property back to England. A moiety was reserved by the Charter, which he thought he could deal with. He made an effort to have it determined, and opinions of counsel were taken. The date of that is 1686. I draw your attention to the following clause. In 1680 a gentleman called Hart was still struggling to accomplish this union of the parties at that time. In 1680 he, in a deed intending to give a moiety of this property, has the following clause:—"Also to give to the said Governors of Christ's Hospital a moiety yearly and every year, such an allowance as may encourage a learned and orthodox Divine to teach the children in said Hospital by preaching to them one of the Catechisms before-mentioned, to wit, James Usher's, Dr. Balf's, Mr. Parkinson's, or the Catechism set forth by the Assembly of Christian Divines, together with the Catechism allowed by the Church of England."

354. Mr. Justice O'BRIEN.—I would say he was to take any one he liked. Would you not say that "together with" those masses in addition?

Mr. DODD.—The Catechism of the Church of England was established by law, and if he meant it to be used without one of the others he could have said so. fancy a man in 1680, with King Charles II on the throne, to whom a grave and reverend Divine would be a subject of more or less apprehension lest he should interfere with some of the pieties of himself and Nell, and those around the throne; and keep this in mind, that in that document when Charles II was on the throne, he should go out of his way to specify the Westminster Divine Catechism! This showed that he had gone a long way in proving the real spirit that actuated him.

355. Lord Justice FREEMAN.—What is that document?

Mr. DODD.—It is the draft indenture of July 21, 1680, for the settlement of a moiety of the lands in Ireland on Christ's Hospital in London.

Mr. CARSON.—The Governors refused to give up the land.

356. Lord Justice FREEMAN.—A reintercharge was given.

Mr. CARSON.—That was in addition to the reintercharge.

Mr. DODD.—They refused, and finally I think got the entire lands. When he was giving it to Christ's Hospital in 1680, it would be as if a man proclaimed himself a Protestant when a Catholic government was in force. It was a more offensive thing to mention that Catechism of the Assembly of Divines, than to mention a catechism that might have come from another source, because, in 1680, the tendency of the whole Court was not towards Geneva but Rome, and there was an apprehension that the King was going in the direction of Rome, and it was well founded, for Charles would have tolerated the Presbyterians if they would let the Catholics share with them, but they would not. They were too Protestant to allow the door to be opened to men who did not believe in the Presbyterian doctrines. But Erasmus Smith, in 1680, was trying apparently to draw away from them, and he follows that up with a letter of 1682, in which he mentions his view about the matter which was then agitating and disturbing the public mind. Then we have the document of 1682 in the same direction. When he made his Will he left to ten poor ministers £10 each.

357. Mr. Justice O'BRIEN.—Did he call them "ministers"?

Mr. DODD.—Ministers, not clergymen.

358. Dr. TRAILL.—They were all called ministers then.

Mr. Justice O'BRIEN.—I beg your pardon, they were all called clerks; minister is a scriptural word.

359. Lord Justice FREEMAN.—The Church clergymen are called ministers all through the Book of Common Prayer.

360. Dr. TRAILL.—Was clerk used in the liturgical book, is it not a term of law?

Lord Justice FREEMAN.—It is a term of law.

361. The word minister is used; take the case of Dr. Winter.

Mr. DODD.—I will tell you about Dr. Winter, you are wrong.

362. They were always called ministers at the time of Cromwell.

Mr. DODD.—The time of Cromwell Dr. Winter was Provost at the time of Cromwell, and my instructions are that the University was never so good as it was under his care. You are not to apply the regular, clear cut definitions of modern theological parties to the state of affairs at the time of Cromwell, when the council that were under Cromwell passed a resolution to encourage all religions of a Protestant character. But Cromwell tried to unite them, and Richard Cromwell, in 1658, called in Dublin an Assembly of all Protestants, Presbyterians and others to establish one general church of this nature.

353. There were only six Presbyterians in that Assembly.

Mr. Dodd.—If you are talking about Presbyterians what you are saying about them is not history. You are entirely wrong in that, with great respect.

354. Lord Justice FRIDGEON.—I should be glad to have any assistance you can give me in this matter. My present impression is this, that the word "Presbyterian" is introduced at that date. You may be describing men who went on one side or the other after the division became complete. There is a great difficulty in fixing the point at which many clergymen ceased to be the clergy of the established Church and became Non-Conformists.

Mr. Justice O'BRIEN.—Some remained after Elizabeth's reign who were Catholics. The very distinguished Dr. Bates was living in London, a Roman Catholic.

Dr. TRAILL.—There is a passage in Reid's History stating that Independents and Baptists and all who were called together were clergymen.

355. Lord Justice FRIDGEON.—How far can that work be regarded as an authority?

Mr. Dodd.—We cannot use that at all. There were Scotch Presbyterians in the North of Ireland at the time who were of an absolutely distinct religious origin from the others. What Doctor Traill refers to applies to the Presbyterians because he refers to the Assembly.

356. Mr. Justice O'BRIEN.—Of what time does he speak?

Mr. Dodd.—1638.

Dr. TRAILL.—There is no doubt that the Presbyterians were one of the three parties mentioned here. It states that when he called the meeting in Dublin of those who attended six were Presbyterians, twelve Episcopalian, and the hundred and thirty remaining were all Independents and Baptists.

357. Lord Justice FRIDGEON.—He uses the expression "parties". I want to know whether, though members of different parties, they were not still members of a common church!

Mr. Dodd.—There was not at that time, a distinction save the Scotch Church, which had maintained its individuality there. There were certain clergymen from the Scotch Church of Ulster who came up.

358. Lord Justice FRIDGEON.—There are two great parties in the Church of England at present, the High Church and the Low Church. If a hundred years hence, the division between them becomes so great that they separate, then it might become material to ascertain to which Church each member of the now united Church belongs. This was the very question that arose between the Unitarian and Trinitarian Presbyterians after the split.

Dr. TRAILL.—The Rump Parliament was so called from the expulsion of Presbyterians altogether out of it.

Mr. Dodd.—Some of the Independent party came over to the Presbyterians, and amongst these were Winter, and Harrison, and Chambers. The only one that conformed of the Trustees named there was the Dr. Henry Jones I have referred to, and he became a Bishop subsequently. At the time I am referring to, there was not a set-and-set organization of the Church. They were part of a party called the Independent party. Winter, Harrison, Morton, Mather and Chambers, and five of the clergymen who are mentioned in Dr. Reid's History, and who joined in the organization of 1665 when it cut off the Church of England.

359. Dr. TRAILL.—Dr. Winter occupied the Church of St. Nicholas, and Dr. Chambers the Church of St. Peter.

Mr. Dodd.—That was before 1665, because they were turned out in 1655.

Mr. Carson.—That was the time of the Deed.

Mr. Dodd.—At the time of the Deed the Church occupied, was the Church of the Commonwealth.

360. Mr. Justice O'BRIEN.—At what time was the Catechism of Westminster composed, Dr. Martin?

Dr. Martin.—It was in 1648.

Mr. Carson.—I do not think any of those things you have mentioned are stated in the Charter.

Mr. Dodd.—No. I am at the Deed at present, and I will go to the Charter afterwards. If you look at page 55 of the Appendix you will see a collection of pamphlets containing an account of the Presbyterian Clergymen in Dublin, by the Rev. James Ainsworth, M.A., on the passing of the Act of Uniformity. Dr. Winter, Provost of Trinity College, Dublin, Samuel Mather, and several other Fellows resigned their emoluments and benefices. As they were all men of distinguished piety, learning, and eloquence, refusing for conscience sake, many members of their Church adhered to their principles and attached themselves to Non-Conformity. The names of those that deserve to be recorded—Rev. Samuel Winter, M.A., Rev. Samuel Mather, A.F.R.S., Rev. William Woods, Rev. Thomas Harrison, M.A., Rev. Robert Chambers, Minister of St. Peter's. So that whatever you call them, Independents or Presbyterians, at the time the Deed was made, when the final collision came, when the option came for Conformity or Non-Conformity, Jones went over again to the Church as by us established, but every other one of the Clerical Trustees of Erasmus Smith's first Deed came over and joined the Presbyterian communion in Dublin. The men to whom Erasmus Smith gave the administration of this trust were men who were not going to yield their principles as regards Church Government or independence of action, even when the Royal Party were in power. These are the men whose names were first mentioned in the Deed.

371. Monsignor McCARTHY.—How many were there?

Mr. Dodd.—Five. Henry Jones went to the Established Church.

372. Monsignor MORLON.—He was the only exception?

Mr. Dodd.—Yes, that is to say of the Clerical we I have not traced the others. The Clerical Trustees are first, Henry Jones; he conformed; Samuel Winter; he was de facto Provost of Trinity College.

373. Dr. TRAILL.—He was an Independent brought over from England.

Mr. Dodd.—He was an Independent! Which you mean by Independent? You might as well call a Republican an Episcopalian. It is the same kind of argument as that St. Patrick was a Protestant. They were Independents and they were Presbyterians. There was Henry Jones, who conformed; Samuel Winter, who did not conform, but became a Presbyterian; Samuel Mather, who did not conform, he became a Presbyterian Clergyman; Henry Woods, Thomas Harrison, Robert Chambers. Of the six, he became Presbyterian.

Mr. Carson.—They are all left out of the Chart subsequently.

374. Lord Justice FRIDGEON.—What point did those four persons hold at the date of the Deed? It is interesting what they became afterwards. We were told of the date of the Deed; how did they fit their herald?

Mr. Dodd.—They got their broad by holding the under the Commonwealth, as preachers in Dublin.

375. Therefore, whatever was the faith of the Clerical, these men were in it!

Mr. Dodd.—They were undoubtedly.

376. Dr. TRAILL.—Croxwell says on another occasion that about thirty ministers had met, and there were three Presbyterians amongst them.

Mr. Dodd.—Three Presbyterian ministers from the North of Ireland, who belonged to the Presbyterian Church. These men were in those churches preaching and visiting, but they were not ordained by a Bishop. We have the circulation of some of them as while these Presbyterian Ministers conformed. I can give the details of each of them, and refer you to the places from whence they came. Winter was brought over by Henry Croxwell. *In fact*, at that time he

churches in Ireland were officiated by the Commonwealth; the Provost was appointed by the Commonwealth; the preachers were appointed by the Commonwealth.

37. MONSEIGNEUR METLOV.—At all events the religious belief of these men was afterwards adopted by the Presbyterian body.

Mr. DODD.—Quite so. They were put there by the Commonwealth, and they were put out afterwards because they would not submit to the restrictions of the Act of Uniformity. Winter was the Provost of Trinity College, and so far from being an Episcopalian at that time, he was not. Mr. Master was a Senior Fellow of Trinity College, and preached at St. Nicholas, where he had been ordained on December 1, 1654, according to the Presbyterian form, by Dr. Winter, Provost of Trinity College. So that Dr. Winter took a leading part in the estimation of Mr. Master, who was ordained in December, 1656, in the Parish Church of St. Nicholas. I mention that to guard myself in the answer I made that they were in possession of the fabric of this Church, as that was in 1655, the year before the Deed. I read from the "History of Presbyterianism in Dublin," by the Rev. Mr. Reed, page 35. We find that in the deed of 1680 he proposes an endowment of Christ's Hospital, London, and recommends the instruction of the children in Archbishop Usher's Catechism, that being the usual standard in existence then.

38. MR. JUSTICE O'BRIEN.—The usual catechism in existence at the time of the deed. Only it was in existence he would take others. How can you account for the use of Archbishop Usher's Catechism which he had not mentioned before.

Mr. DODD.—I do not argue on that.

MR. THE ARGUMENT ON THE OTHER SIDE DOES NOT GO INTO THIS DISTINCTION.

MR. DODD.—Archbishop Usher was a man that we take as the most favourable to the Presbyterians in the Church.

39. That is quite certain, because he was challenged as doctrinaire of his, which were supposed to be opposed to those in the Common Prayer Book.

MR. DODD.—In 1648 he was sent for by Charles to make a negotiation between him and the Puritan party in the House of Commons. He made out a scheme of government which was called "Usher's Model," in which the Bishop would be president with others assisting him. He thought that by this he would actually draw over to him the entire of the party that were opposed to episcopal ordination—ministers of the ceremonies of the Church of England. There was an old Scotch Divine called Baxter, and the legend runs that a stranger came to his door one Saturday night, and, according to the practice of Scotland, hospitality was given to the stranger. He was rather poorly and apparently shabbily clothed. The mistress of the family subjected the children, servants, and others in the house, according to her usual practice, to an examination in religious knowledge. The stranger at their door was subjected to the same examination, and was asked how many commandments there were. He answered that there were eleven, and the old lady was so shocked at his mistake that he was almost obliged to go supine to bed; but the pastor heard the devout prayers he offered and observed his fervency of manner, and invited him to preach the next day, and the old lady was surprised to hear her guest giving out the next day as his text—"Brethren, a new commandment I give unto you, that you love one another." That just then was none other than Usher, the Archbishop of Armagh. The tendency at that time was to look on Usher as a moderate man, who was anxious to include in the Church all the members of it, and who was more akin to Baxter than to Laud. Now all through in this Deed from the first attempt of Erasmus Smith to do anything for Ireland, it appears that the men he selected were men of a like spirit and temper with

Usher. Usher's Catechism was published in 1654, but it had been published forty years before that. Some persons opposed the Archbishop for what he had done, and to satisfy them he printed under his own authority in 1654 this Catechism that had been in use before. The date he selected was not unimportant. It was at the time that Oliver Cromwell was in power, and at a time when if he had been adverse to the ruling principle of the day he would have kept himself secluded. He died in 1656, and, therefore, the suggestion of the gentleman who spoke last about his being in power when the Charter was drawn is incorrect, because Usher died in 1656. Was he favourable to those in power when in the reign of Charles II. they sought to enforce an absolute conformity to the doctrine of the day? Are you to take it that there is such an intention in the mind of the man who acts in this way? Is there anything in it that shows he intended to give it an Episcopalian foundation? It may be said that he did not care about religion. If he was careless about religion would he have selected that time to put his money in a venture in Ireland. The truth of the matter was that he had a desire for the conversion of Ireland which would find favour with other people, but especially with Oliver Cromwell. It is recited in the Deed—"Whereas most of the kings which in former times have reigned in this nation have proceeded chiefly of lack of the bringing up of the youth of this realm either in public or private schools whereby through good discipline, they might be principled in literature and good manners, and so learn to leave those baseness and manifold offences which, when they come to years, they daily perpetrate and commit." What he meant them to do is to become sound believers in the Scriptures, and trained in it. He selected those means for that purpose, and in the hope of converting them by means of such instruction he drew up that Deed. He was not obliged to do that, because the Commonwealth was in power, but because it was in sympathy with the feelings of the day. A man called Bates, who was selected by Erasmus Smith to give money to ten poor ministers for instructing the children, is mentioned in the Will: his name was William Bates. There were four names mentioned in the Will. The way it runs is, to poor ministers, the selection to be entrusted to his heir-at-law, Dr. Bates, Thomas Cole, George Coeaine, and Thomas Taylor—four of them. That Thomas Bates was rector of Saint Dunstan-in-the-West. He took part in the Restoration of Charles II., and was appointed, on the Restoration, one of the Royal Chaplains, and Charles sent a royal mandate to the University of Cambridge to confer on him the degree of Doctor of Divinity. He was called "Bates the silver-tongued." He conducted a controversy with the three Bishops, Pearson, Gunning, and Sparrow, on the principle of Non-Conformity. But in 1682 he was turned out of his living because he would not subscribe to the Act of Conformity. From 1662 to 1680 he was engaged in the instruction of Presbyterians in the National Church. He had to give that up to become Presbyterian Minister of Hackney, and was there to his death. In 1688 some of the more moderate churchmen approached him. Bates, with Baxter and Martin, endeavoured to work out the Scheme. Bates stood by Baxter with Martin when before Jeffreys. This Bates presented an address to William III., when he came to this country. This is the man Erasmus Smith selected to administer the charity he designed for these poor children—this man, and not the Bishop. Are we to say that this man was so wedded to the Church that he would not extend his favours in Ireland to any person who would not pronounce that Shiloheth "Episcopacy"? What a light that casts on his previous history—a light with regard to this particular Deed. Bates was the first of the three trustees; the second was Thomas Cole, B.A., of Oxford, who had John Locke for a pupil. He was ejected at the Restoration, and he also was a Presby-

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terian Minister. The third was George Cossins, a Bachelor of Cambridge. In 1648 he presented before the House of Commons. He was ejected in 1662, and he became a Presbyterian. The other was Thomas Taylor, of whom Dr. Martin has not been able to find out anything. Thus, we see that Erasmus Smith, when making his deliberate choice of the persons who were to administer this particular charity, selects four men, three of whose history we can trace and the fourth we cannot, and these three were all ejected ministers because they would not do as Henry Jones had done—conform. By the Will he leaves to William £1,000, if he is brought up in the Protestant faith and wishes to declare that he is a Protestant, because William was grandson of Sir Edward, who had married into a Royalist family which was supposed to be going in a direction further from Caesar than Erasmus Smith wished them to go. He requested his executors to visit his children, who are to be brought up in the fear of God and the knowledge of the Holy Scripture, and he makes a bequest, not to the church but to the poor of the Parish in which the Parish Church of Clerkenwell was placed, on condition that they will recognize the right of his children to have a poor there.

381. Mr. TRAINE.—What was the worship at that church?

Mr. Dodd.—As by law established. It was one of the churches of England that insisted on the maintenance down to the present day of the right to appoint and to maintain their pastors. It was one of those Church of England churches where the election sometimes lasts four days.

382. Mr. Justice O'BRIEN.—Used they have any species made?

Mr. Dodd.—Yes. The last election was between Dr. Maguire representing truth, and Mr. Roberts representing justice—Maguire had a great fight for it, against Dr. Roberts who was supposed to have some latitudinarianism. They went to the trial, and it was found Maguire had the best of it, and he was induced. That was the Parish Church, and that was the position, and this is what makes me refer to it. Now, we come to the Charter. I assume that this man was such as I have described to you, a Protestant of strong Protestant principles, and a leaning towards Presbyterians if you wish; that he was averse to a Bishop and in favour of popular rights; that he addressed this first intention of a trust, and having done it, and contracted that Cromwell was to give him a charter under the Great Seal, Cromwell might afterwards forget to do it; the whole thing being in confusion until they agreed to bring back Charles II., who was more tolerant than some of those around him, and his friend Bates was also a friend of Erasmus Smith's. Indeed, in the Charter I could almost fancy there is a trace of the influence of "the silver tongue," in giving the least possible power to the party in power. In no one respect has he put them under the control of a Bishop, except that he is to satisfy the Bishop on two points only—first that he will assent to the first two Canons; the first being the Calvinistic part of the doctrine of the Church of England, then contained in the Thirty-Nine Articles; and secondly the Oath of Supremacy, limiting the power of the Ordinary under the Canon Law. The Ordinary has no power to interfere with him under this Charter unless in the way which is detailed on page seventeen of the little book which provides that every Schoolmaster or Usher of the Schools shall be approved of by the Bishop of the Diocese. That is the only power of the Bishop. Whether he likes Episcopacy or not the Bishop is compelled to approve of him if he signs the first two Canons of the Church of Ireland, agreed to in the tenth year of King Charles I., when they were all one church. The Bishop is compelled to approve of him if he signs the two Canons as to the supremacy of the King, and the binding character of Calvinistic theology, both of

which any Presbyterian Clergyman would willingly subscribe.

383. Lord Justice FIRTH-GUNN.—The Bishop is other words had power to disapprove, but if it be approved, he had no further power, and he could not remove the master!

Mr. Dodd.—He could not.

Mr. Carson.—I have a list of all the statutes regulating Schoolmasters.

384. Lord Justice FIRTH-GUNN.—What jurisdiction would the Bishop have had but for this restriction?

Mr. Dodd.—The first is as to the interference of the Bishop, and the next as to the interference of the Ordinary.

Dr. TRAINE.—That is the same thing.

Mr. Dodd.—He is freed from subjection in my person but Erasmus Smith. He appears to have been free to carry out the wishes of Erasmus Smith. If I am right the jurisdiction of Erasmus Smith is personal in its character, and if I am right the time he wished to make the first gift to Ireland would be a time when, if I understood the Will, he was without control; but he was using the influence of Bates or some person with the King, to minimize the denominational character of the grant he was making. We are not making provision that these poor ministers who were to be appointed, might become the means of carrying out the policy he had in view. That is the meaning of the Charter from end to end. So far from being the Charter represented, it is a Charter that is a marvel and a miracle of toleration.

385. Mr. Justice O'BRIEN.—I suppose the father you get him over in the direction of toleration, so far as you think you get him from the Roman Catholic side?

Mr. Dodd.—I am sorry to say that there was no toleration as between Catholics and Protestants in those days.

386. There is a remarkable expression of Erasmus Smith, that strikes me—"the Catechism His Majesty has Commanded to be used" as if he put in the expression of the King, as different from his own first love, "His Majesty has Commanded it to be done".

Mr. Dodd.—As to the precise Mr. Cane he relied on, I can fancy the Bishop saying to the King "you are giving this man too much"; but the "Merry Monarch" I suppose was not very anxious about anything, provided nothing was done contrary to the prerogative of the King, or to the Church established by law. Now as to these Catechisms I intended to touch upon them, but I am almost relieved from the necessity of doing so. The only difference between them is, that both in the Services of the Church and in the Catechism itself, the Church recognises the authority of the Bishop. It so appears both in the Prayer Book and in the Catechism itself. It is headed "A Catechism, that is to say, a Instruction to be learned of every person before he is brought to be confirmed by the Bishop."

387. Dr. TRAINE.—It does not go into controversial questions about church government!

Mr. Dodd.—Not expressly; but it is a Catechism no Presbyterian could assent to. Usher's Catechism is one every Presbyterian could assent to.

388. Lord Justice FIRTH-GUNN.—Mention anything in the Church Catechism that a Presbyterian could not assent to, as contained with Usher's?

Mr. Dodd.—No Presbyterian could assent to the second question—"Who gave you this name?" Answer, my godfathers and godmothers in my Baptism, &c." And the third question, "What did your godfathers and godmothers do then for you?"

389. What are the corresponding questions in Usher's Catechism?

Mr. Dodd.—"What is Baptism?" is the only question, and the answer is, "The Sacrament of Admission into the Church, sealing unto us our new birth by the Communion which we have in Christ Jesus."

(20) Lord Justice FREEMAN.—I am anxious for any information to be derived from the documents themselves, to see whether the contention can be supported, that the Presbyterians could accept one and did not accept the other. I take it for granted that both catechisms there are questions, which the Roman Catholics could not accept.

Mr. Dodd.—The Church Catechism commences with the Church; the Presbyterian Catechism commences with the Church's Message; and Ussher's Catechism commences with the Word of God. "What sure ground have we to believe our religion?" is one of the questions in Ussher's, and you puts the Church in. The Presbyterian one from the beginning to end puts forward the Church's message. Further, Ussher asks "What is the Church?" It would make any members of the present Church of Ireland stand up. I do not think it would be satisfactory to one of the others. To the question "What is the Church?" Archbishop Ussher's answer is, "It is a community of persons."

Mr. Dr. TRAILL.—That does not exclude Bishops.

Mr. Dodd.—It does not exclude Bishops, but it includes Presbyterians. Ussher's Catechism was first printed in 1634.

Mr. CARSON.—It was not first published then. It was published in 1616.

Mr. Dodd.—"The Principles of the Christian Religion," first printed in 1654, in the time of the Commonwealth. It was dedicated to the King subjects of the Commonwealth. It goes on Justification and justification. It goes through the Commandments, and Ussher goes out of his way in that Catechism to say that the Second Commandment prohibits bowing at any part of the service. He prevented bowing at the Cross, which, I understand, you are in the habit of doing.

Mr. CARSON.—He signs himself "James, Armagh."

Mr. Dodd.—He continued Archbishop, and Cromwell had a great and affectionate regard for him. He was expounding the Church's views in 1654 under the Commonwealth, and was preaching in Lincoln's-inn in 1656. He condemned bowing of the body and bowing of the head. You were discussing a few weeks ago whether a cross might be fastened to the wall or not; notes which Ussher set light store by; but he did not store by the Word of God, and in that we claim him as a Presbyterian. Now, taking a review of the circumstances, from the first insight we have into the life of Erasmus Smith and into his character in 1656, down to his admission to the Commonwealth, in the first Deed, drafted in the spirit I have mentioned; down to the second Charter, which was the last concession he could make for the time; down to 1658, when he was struggling hard to get the organization in Christ's Hospital and the Shorter Catechism; down to the latter part of 1658, when he was trying to prevent those rulers of authority in Ireland from departing from Puritanism; down to his last will and testament, where he selects Ministers ejected from the Church for conscience sake, and seeks that Non-Conformist Ministers should be the dispensers of his bounty: I ask would he have put any one denomination in Ireland now to the exclusive control of that property, and why should one denomination claim the exclusive control of the property of a man who was quite as much in sympathy with the Church I represent here as any member of the Established Church can be?

392. Mr. Justice O'BRIEN.—If the Westminster Divines were not amended would you still contend that?

Mr. Dodd.—I would contend it, but with less force perhaps.

393. Lord Justice FREEMAN.—What is the provision about prayers in the Schools? There is a regulation that the children were to attend divine service on Sundays.

Mr. Dodd.—The master was to pray with them.

394. Is there any reference to the Liturgy there?

Mr. Dodd.—No, the first reference to the Liturgy was in 1712 when they brought in their new bill. There is nothing about Church Service until 1712.

395. Dr. TRAILL.—On every Lord's Day he says to catechise them in the schoolhouse or church and to read a chapter out of the canonical scriptures.

Mr. Dodd.—Of course, because he was a Protestant willing at the time to have them examined in the church, for the church was in the Commonwealth. But what I understood the Lord Justice to ask was, was there any rule in the Charter.

396. Lord Justice FREEMAN.—Or in the rules made in his lifetime?

Mr. Dodd.—In the first Deed it was provided that they were to be catechised in the church on Sundays.

397. In the Westminster Divines' Catechism?

Mr. Dodd.—Yes, but when he comes to the Charter all that is amended. In the Charter the Master is ordered to pray with them. It is obvious that that was an intercessory prayer and you will see the great force of that, because the practice of the Presbyterians at the time was an intercessory prayer.

Dr. TRAILL.—It does not say as intercessory prayer.

398. Lord Justice FREEMAN.—What I want to know is, whether if the Schools established under this Charter had been conducted strictly in accordance with it and with the rules made by Erasmus Smith in his lifetime, would or would not attendance at the Parish Church, or any of the rites of the Church, or the Liturgy of the Church be required of the people.

Mr. Dodd.—Certainly not. The first rule of the kind, which we say was contrary to the founder's intentions, was in 1712; in that the Liturgy is in force. That is the first of the rules that were made different from Erasmus Smith's rules.

399. I confine my question to Erasmus Smith's lifetime. The rules made then had the same effect as if they were in the Charter.

Mr. Dodd.—My answer is that there was at the time absolutely nothing.

400. Dr. TRAILL.—Do you on behalf of your clients oppose the opening up of the endowment to Roman Catholics?

Mr. Justice O'BRIEN.—You will see that Dr. Trail's question involves you in a conflict that you do not care to enter into.

Mr. Dodd.—Well, I say nothing.

401. Dr. TRAILL.—But you appear for Dr. Martin and it is contained in the declaration you submit that you object to the funds being diverted in any direction which the founder would not approve of.

Mr. Dodd.—The opinion of Dr. Martin and of those I represent in, the Protestantism of Erasmus Smith was a feature of his life and character, and that you must give effect to that Protestantism if you mean to carry out the intentions of the donor. But that Protestantism was not for one denomination but was, if ever right, such a phrase, a Catholic Protestantism.

The Commissioners adjourned.

## PUBLIC SITTING—SATURDAY, OCTOBER 22, 1892.

At the Four Courts, Dublin.

Present:—The Right Hon. Lord Justice FERGUSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.Sc., Assistant TRAILL, Esq., LL.D., M.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners. N. D. MURPHY, M.A., Secretary, and P. EDMOND, M.A., Assistant Secretary, were in attendance.

## SCHEME No. 144—ERASMIUS SMITH'S ENDOWMENTS (OBJECTIONS AND AMENDMENTS).

The same bodies and persons were represented or appeared in person as on the previous day.

**Rev. D. Humphreys.**—Your lordships asked me for the number of pupils from the Tipperary Christian Brothers' Schools that went in for Intermediate Examinations. I have telegraphed to the Superior, and have received a reply in which he gives the numbers that went in from his School, and the Abbey School. From his School there went in 31, and 28 passed, being a percentage of 90 ; and from the Abbey School there went in 15, and 13 passed, which is a percentage of 86.

**Lord Justice Ferguson.**—That is what I wanted. I suppose in the Tipperary centre there were only those two schools that sent in pupils?

**Rev. D. Humphreys.**—Yes; allow me to say that in Tipperary the Christian Brothers' School has no endowment at all, and the Abbey School has £473 endowment.

433. We quite understand that. The Christian Brothers, so far as I know, never had any endowment; but the point on which we wanted this evidence was, to ascertain whether at present there are a substantial number of pupils in the Christian Brothers' School getting Intermediate Education.

**Rev. D. Humphreys.**—If you take the number of pupils from the Christian Brothers' Schools in Ireland who pass the Intermediate Examinations as 40 per cent. of the whole number who pass, it shows the great actual demand there is amongst the poor for higher education in Tipperary, for two-thirds of the children who attend the Christian Brothers' School are the poorest of the poor; but although it is a fair indication of the actual demand, it is not a fair test of the total need for higher education amongst the poor.

434. **Mr. Justice O'BRIEN.**—We understand that.

**Rev. D. Humphreys.**—But non-Catholics have the Queen's Colleges.

**Lord Justice FERGUSON.**—This argument has been presented several times, not only by yourself, but by those representing the several denominations.

435. **Mr. Justice O'BRIEN.**—I wish to call your attention to a distinct matter altogether. Mr. Dodd, Dr. Traill last evening asked you a question which I did not consider it fair to put to you with the view of drawing the Body you represent here into an alliance with views in respect to which he is opposed to you as well as to the Roman Catholic Body, and you most properly answered him that you were instructed to contend that this was entirely a Protestant charity in its very nature. Now it is not for the purpose at all of setting myself on anything you concede or deny that I draw your attention to this matter, but remembering that one member of the Commission who co-operated in the direction to frame this Scheme was assumed to be the representative of the Presbyterian community, in common justice to him and for that reason alone, though there are strong reasons outside it, I beg to call your attention to a passage in the evidence of Dr. Todd-Martin, whom you represented before the Commission of 1872. He was the Convener, not of the General Assembly, but the Convener of the Committee of Education, and he presented a minute in writing, instead of stating in an interrupted manner his views, and he requested it to be accepted as a statement of

the view of the Committee he represented. I call your attention to his statement as regards the Royal Schools. "The Presbyterian Church" said Dr. Martin, "has desired to see established on a non-sectarian principle a complete system of schools bringing the advantages of secondary education within the reach of the entire population, and by the superior instruction given in them elevating the standard of education in all departments. The Royal Endowed Schools are commonly regarded as connected with the Protestant Episcopal Church. The Royal Dissent Schools, that is such of the Dissent Schools as are now in existence, are no doubt open to pupils of all denominations, and there is no charge as far as I am aware of interference with the religious convictions of any pupils; but they are not on that account free from a distinctly denominational character in the eyes of the members of the Presbyterian Church. Their Head Masters are, with one only exception, clergymen of the Protestant Episcopal Church. Even in this greatest ordination was I understand considered necessary by the Government for appointment to the Mastership of a Royal School. This denominational character is a hindrance to their popularity and usefulness. Let it be felt that those Schools belong equally to all denominations; that in their government, their teaching staff, and all their arrangements, there is no predominance of any one church, that they are open to all persons irrespective of creed who may claim the education which they offer, and a very importance will be taken towards greatly increased prosperity." Then leaving that subject he gives his views as to the Schools of Erasmus Smith. He produced many of his arguments which you have more fully developed in the discussion on this occasion, and then he proceeds to use this proposition:—"In reference to Erasmus Smith Schools Presbyterians ask only what is equitable when they say that they should no longer be excluded from the benefits to which they have all along been duly entitled. If it should seem good to the Legislature employ those funds solely for educational purposes without regard to religious distinction, and so convert the Schools into open Schools on a strictly non-sectarian principle, the Presbyterians would offer to this no objection." I quote that at present, independent of more general considerations, merely to vindicate our course taken by Professor Doherty in so specially in the preparation of this Scheme.

**Mr. Dodd.**—I had a conversation with Dr. Martin who was here, but went away last night, and I tried to indicate his particular standpoint. He appeared before that Commission. There is no doubt that the Presbyterian Church, of which he is a very fit representative, has all along been in favour of mixed schools, absolutely free from any denominational control, in Ireland, and they struggled for that for a long time; but they were driven, in this instance, from the position by this Commission itself, because the Roman Catholics would not assent to it; and the peculiar irony of the situation in Dr. Martin's view is that the first time the representatives of the Catholic Church present a scheme for mixed education, is an occasion on which, having regard to the overpowering section of the Act of Parliament, with reference to a

its founder's intention, they are unable to accede to it. If it had been done from the beginning, in reference to all the schools, they would have rejoiced. Dr. Martin does not recollect from his position, that if the Legislature see fit to endow mixed schools—to make the Erasmus Smith Schools and the Royal Schools all mixed schools, such an arrangement would be satisfactory. The only occasion, however, on which he has sought to bring that into effect, is one in which the founder was a man of strong Protestant feelings. He is very sorry to differ from Professor Dugheerty and he thought that Professor Dugheerty had some information about Erasmus Smith that was not known to everybody else, and in consequence of that, he sent into an inquiry as regards the religious views of Erasmus Smith, and he satisfied himself that he should sweep the course he now instructs me to advocate; I am bound to present his view with as much force as I can.

408. Mr. Justice O'BRIEN.—Of course, but I do not think that diminishes in the smallest degree what you call the irony of the situation.

Rev. D. Humphreys.—I would ask your indulgence for a moment to say that on the part of the Catholics, I think I am justified in saying they are prepared to accept the mixed system.

409. Mr. Justice O'BRIEN.—Undoubtedly the Scheme provides for that.

Rev. D. Humphreys.—The bishops of Ireland a few days ago condemned the system of mixed education. They have been all along working the National system, which is a system of mixed education. I would venture to settle with their lordships that they will not insist on carrying out their resolution against the management of these schools. Again, there is a subject I took notice of yesterday. Dr. Trull asked Mr. Dodd "Have your clients instructed you to say that they did not wish the Catholics to get my part of this endowment?" I object altogether against that, for it is taking the decision of this question out of the domain of law, reason, and justice.

Mr. Justice O'BRIEN.—You are quite right. Mr. Dodd was compelled by the question put to him to answer as he did. It was an effort on the part of Dr. Trull to bring somebody else into alliance with him.

Rev. L. P. T. Ledoux.—I am Rector of Calry, in the County of Sligo. I represent the Archdiocese of Tuam, and the parishioners of St. John's Parish, Sligo. I also represent a number of Protestant tenants on the estate of Erasmus Smith in Sligo, and have written authority from Mr. Wynne to represent him, and from Mr. Campbell and Mr. Clarke. These three gentlemen are all my parishioners, and the estates in Sligo are altogether situated in my parish and St. John's. I received no notice that the inquiry was about to be held.

410. Lord Justice PRINGLE.—We held a public Inquiry in Sligo some time ago. You have become more since. Notice of this inquiry was sent to every one who ever appeared before us, and was also published in the newspapers. Therefore, I think, as to receiving no notice you have no cause of complaint.

Rev. L. Ledoux.—I am not for a moment endeavouring to blame the Commission, but I had no knowledge of the sitting till the day before yesterday, consequently several of the statements I bring before you may lack definiteness; the numbers I can afterwards give accurately. I maintain, my lord, that in the evidence given to the Commission at the inquiry held on the 10th October, 1882, at questions 432 and 435 there is an error; it is to this effect: it was said that Mr. Wynne and Mr. Campbell did not sub-let, and that the tenants on the estates were Roman Catholics, I know that the facts are otherwise. Whoever gave the evidence was incorrect in that. I received a list of the inquiry from Mr. Robinson who was the agent till about ten years ago. Mr. Wynne gave me a list of the persons to whom he sub-lets. Mr. Campbell will be no sub-lets. In the portion where Mr.

Wynne sub-lets there are at least five persons suitable for receiving Intermediate Education of a high class, who are on the part of the estate which he sub-lets. On Mr. Campbell's part of the estate there are, I know, two persons suitable for receiving such education, and I think there are four. While I am certain of this I believe that there is a very much larger number available. It is said in this evidence that a certain townland runs up to the demesne. The agent told me that from that part of the town, and others living on the demesne at Hawkwood, some fifty-three are of the Church of Ireland: how many are Roman Catholics I do not know. There are five on the land that Mr. Wynne sub-lets outside of it. With regard to the other townland, it is, I believe, in the neighbourhood of Ballinorley, in which district there are thirty-four children belonging to the Church of Ireland. There are a large number of children in the neighbourhood capable of receiving Intermediate Education. The rental of the estates in the County Sligo, was at the time Mr. Robinson was receiving them, £440 2s. 6d. I believe it is less since. Of that £180 comes from the Parish of St. John's. The farm there is in possession of a Roman Catholic, but if the benefits of the trusts ought to be extended, not only to those on the estate, but also to those who are within a reasonable radius, it would bring in the whole population of Sligo.

409. Dr. TRULL.—Sligo county or town?

Rev. L. Ledoux.—I mean Sligo town, and it gives us a very large clew for higher education preparatory for University training. On reading over those documents that I managed to get in a hurry yesterday, I find your lordships invite suggestions as to how these funds might be used. That is exactly the case I intend to bring before you. There is a great need for such a school in Sligo as the Endowment was intended to supply. I must ask permission to draw your attention very briefly to the history of the matter as it seems to concern Sligo. In the first document, the Indenture of 1657, there are five Grammar Schools provided for, of which Sligo is to have one. It is to be absolutely free. In the document of 1659 there are still five Schools; the purpose is the same with the addition of binding the children to Protestant Masters, there is an extension of the benefits of the Endowment to children of those who live within two miles of the Schools. The Charter of 1659 reduces the Schools to three and extends the benefit to twenty poor children living within two miles. This seems to me to be important, for there is no statement that these twenty poor children are to have any connection with the estate. They are to be suitable persons, living within a certain radius of the Schools. I wrote to Mr. Clarke, a very old parishioner of mine, who has been greatly interested in this matter, but unfortunately he seemed to be so wrong on one point that I took no notice of what he said. He seemed to be wrong in his idea that there was a distinct trust in favour of Calry, but he seemed to be right in saying that there was a school there in the early part of the century, solely supported by the Board of Erasmus Smith, and that that school was discontinued and the school closed and the property sold.

410. Monsignor MORLEY.—He stated a very important thing, that he himself was in the school when it was in full working order, and that fifty boys were educated there to trades.

Rev. L. Ledoux.—He did not say he was at the school.

411. Monsignor MORLEY.—Yes, he said he was in the school, not as a pupil, but as a friend of the master.

Rev. L. Ledoux.—The school ceased and this other school was built by funds of Erasmus Smith's Board. I have to ask your attention to the circumstances of this, now called the Diocesan School. The master is an extremely able man, Mr. Rader, who has an annuity under the Church Act, something between £120 and £160 a year, and after his death there will be no provision in Sligo for

set in 1852. the Intermediate Education of boys in the Protestant Religion. The Roman Catholics there are peculiarly well circumstanced. The Roman Catholic Bishop of Elphin has a good school there, but we have none except the Diocesan School. A great inconvenience has been caused to the town for want of a school with suitable Endowment. The children of the Bank of Ireland have to go to the Model School. Children being educated for professions, or to take positions similar to their parents, have no school except the Diocesan School which is insufficient. I said to a parishioner a few days ago—<sup>41</sup> What will you do if anything happens to the school of Mr. Eades? He said he would have to send his boys away to a Royal School. It seems to me we have the persons who were intended to be benefited by Erasmus Smith. You have then inconveniences for the want of a High School in Sligo. That want is being supplied now by the Diocesan School which must soon come to an end.

412. Mr. Justice O'Hanlon.—Why will the Diocesan School soon come to an end?

Rev. L. Ledoux.—Because the Church Act made no provision for its continuance.

413. Yes, the fund ceases. How are these schools sustained?

Rev. L. Ledoux.—I know absolutely nothing about the Roman Catholic Schools.

414. Are they connected with the National Board?

Rev. L. Ledoux.—I really know absolutely nothing about them, except that there is a fine Boys' School there giving an Intermediate Education. Now, with regard to the point of this former Erasmus Smith's School in Sligo, it was not an Intermediate School, as appears from the evidence of Mr. Clarke—it would be called primary education. We have been doing a great deal that properly ought to have been done by Erasmus Smith's Board. We have been paying £34 a year towards the aid of primary education for schools under the National Board. We object then, to this present Scheme, as put forward by the Commissioners, on the ground that it does not safeguard the interests of the tenants in our parishes. There was a school for Sligo provided for by Erasmus Smith's documents. The necessity for that school still exists. The tenants are there, and the persons living within two miles of the Estate who are proposed to be benefited are in sufficient numbers to fill a good Intermediate School, and we object to our being left to the tender mercies of the Erasmus Smith Governors who have not hitherto observed the need for a school in Sligo, and we object equally strongly to schools unlike those provided for in the deeds of Erasmus Smith. We wish for a school on the original foundation. If there is any rearrangement of the funds, we claim that we in Sligo have a prior claim. First, the earliest deeds provide for us—we need such a school, and we have a tenancy willing to be "educated in the fear of God and the Protestant religion."

415. Lord Justice Prendergast.—We investigated this before. It is referred to in the Report of 1858, page 17. The same case that you make now was made then. The Diocesan School was transferred to Sligo in comparatively recent years, and the want of an Intermediate School was supplied in that way. I was not able to find any evidence of the existence in Sligo of an Erasmus Smith's School at any recent time. Your argument appears to be that Erasmus Smith's Endowment ought to be made available for Sligo, and that your claim is strengthened by the fact that the provision made by the transfer of the Diocesan School is now coming to an end.

Rev. L. Ledoux.—That is exactly the case I am anxious to make. I ask for a consideration of the claim of the Church of Ireland population for an Intermediate School in the framing of a Scheme.

416. Whether denominational or otherwise, you claim that there should be an express provision for Intermediate Education in Sligo.

Rev. L. Ledoux.—Yes; we are prepared to satisfy the denominational test, and so far as various sects of Protos-

tanism would be concerned, no difficulty would arise with us, for the Presbyterians and Methodists are sufficiently numerous to have a school of their own.

417. Do you know the number of Protestants in the Model School?

Rev. L. Ledoux.—About 250.

418. My Justice O'Brien.—Supposing this school was established for Sligo, would you consider that, irrespective of the extent of the estate, within a radius of two miles there should be the twenty five people?

Rev. L. Ledoux.—I assume that all the conditions were to be fulfilled.

419. You fulfil those conditions in Sligo?

Rev. L. Ledoux.—Yes, and we are perfectly prepared to satisfy the religious test.

The Vice-Chancellor.—This statement has come to the Governor of Erasmus Smith's Schools by me, We never got any intimation in the twenty years that I have been Treasurer, nor was it ever suggested to us, that there was any need for the establishment of an Intermediate School or a better class school in Sligo. Until within a very few years there was a very good English School in the parish of Collo, at the time of this gentleman's predecessor, and the school was discontinued, so far as I remember, on the ground that there was a sufficient population there to enable them to obtain a substantial grant from the National Commissioners.

420. Lord Justice Prendergast.—The case that Mr. Ledoux makes is substantially the same that we had before us at Sligo.

The Vice-Chancellor.—In his predecessor's time he had frequent communications on the subject, and we kept that school in as good a condition as any English School—for English School has a technical meaning as well as Grammar School.

421. This application only shows that people are more ready to come here and state their claims, than to go to the Governors.

The Vice-Chancellor.—I am surprised at the fact that has been taken by this gentleman, without any communication whatever with the Governors, who are always on the most friendly terms with the inhabitants.

Rev. L. Ledoux.—I am throwing no aspersions on the Board of Erasmus Smith.

The Vice-Chancellor.—But you have done it.

Rev. L. Ledoux.—It was impossible to give notice what I got no notice of. I am there the last two years. My contention is that my parishioners have a claim.

422. Mr. Justice O'Hanlon.—That claim must be under a scheme. Although the Vice-Chancellor has stated that they did manage an English School then, I would suppose that the Erasmus Smith Board would have considered themselves at liberty to establish a strict Intermediate School there, but that they did not adjudge it necessary.

The Vice-Chancellor.—No, certainly not, certify not.

Rev. Dr. Nicholas.—I appear on behalf of a Methodist Conference. I have also been asked to represent the Congregationalists. The objections have to do with the Draft Scheme based upon two points, the religious composition of the Governing Body, and the beneficiaries of the charity. My contention is that the Governing Body should be exclusively Protestant for the ground that Erasmus Smith was not merely a Protestant, but that he was orthodoxy Protestant.

423. Mr. Justice O'Brien.—Entirely Protestant! He has been greatly disengaged in the progress of this Inquiry, for it was still he charged his son with every government that came in.

Rev. Dr. Nicholas.—If we take the witness of Mr. Humphreys yesterday, about the gentlemen who had only one hotel to go to, suppose there was a temperance hotel, a gentleman might not say it to be a temperance man would say it was very expensive. That is our contention, that Erasmus Smith, being a Protestant, not under compulsion, but that he hardly agreed with the principles, and that these men

carried out his conviction. I do not want to take up time by going fully into matters brought before you already, but I simply indicate the following points as showing the strong Protestantism of Erasmus Smith. The fact that he selected Protestant Governors, Protestant Schoolmasters, and Protestant Masters who are tradesmen, that the boys might be trained up in their trades by Protestants, shows that the religious idea was the fundamental and dominant idea in his mind. He begins by deplored the moral and religious condition of Ireland. The very first thing in the Indenture, dated 1657, is that the children should be brought up in the fear of God, and then that they should be brought up in the knowledge of the true religion without superstition. Now, we all know what the reference is there, and what they meant in the language of that age when they called it superstition.

Mr. Justice O'BRIEN.—You may apply it to the language of this age too.

425. Lord Justice PREIGRASON.—I do not know that there has been any substantial change of views in regard to faith or superstition, though there has been a great change as to toleration.

Rev. Dr. NICKOLAS.—In that day they meant by superstition, the Roman Catholic Church. In this day we mean a great many other things besides that. We regard many other things as superstition.

Mr. Justice O'BRIEN.—You certainly do not leave that out.

Rev. Dr. NICKOLAS.—In that time they referred exclusively to the Church of Rome. The fact that the teachers were to pray twice every day, the fact that the children were to be punished who were absent from prayer, the fact that the Catechism was to be taught once every day; all these go to show that he was very earnest in his Protestantism, and that he was strongly imbued with the religious earnestness of that age. But we contend that while he was distinctly Protestant he was not distinctly Episcopal. Erasmus Smith was what would be called now a Low Churchman who had more sympathy with Dissenters than with high Anglican views. His religious position would be represented now by members of the Evangelical Alliance who are strongly Protestant and have great sympathy with all sections of the Protestant Church; but have not sympathy with the Church of Rome. Now, my lords, I think that contention is proved by the following particular—his selection of Puritan Divines as Governors—he selected Samuel Winter; if he had been a High Churchman he would not have done that—but his selection of the Shorter Catechism, Usher's Catechism. In reference to the suggestion that still he retained his Episcopacy, and was a Bishop, I would like to point this out, that there are two distinct views of Episcopacy: there is the view of Episcopacy that it is essential to the Church, that it belongs to the very essence of the Church, and the view that it refers to the well-being of the Church. There are men whose ordination is valid who are not Episcopally ordained. That I take it was Usher's view, and the mere fact that he continued a Bishop does not establish Mr. Carson's view that he considered the Episcopal form of government of the Church an essential one. The fact that they had prayer twice a day, but no form of prayer for the Schools—

426. Dr. TRAILL.—Is there any proof that there was no form of prayer for the Schools?

Rev. Dr. NICKOLAS.—There were none prescribed. If there was a form it would be for them to show that there was. But then I think that there is something in the very expression he uses. He says they are to attend the said "exercise of prayer." If I am not mistaken the term "exercise of prayer" was a distinctly Puritanical expression. It occurs in the Charter. The Anglican expression would have been "absent from prayers." I tried to find the passage

last night but I was not able to do so. I believe Bishop Louth ridicules this expression "exercise of prayer" in a sermon in which he condemns the Puritans for the length of their prayers, and their gesticulations during prayer. Why does Erasmus Smith use the general term "Protestant" instead of "Episcopalian" or "Presbyterian" or "Independent"? It cannot be that the term "Episcopal" was not in use at the time. It was an age of rather keen religious controversy. If he had been anxious to make his charity a distinctly Episcopal charity he would not have taken up the broad, rather vague generic term, "Protestant," instead of the specific term, "Episcopal."

426. Mr. Justice O'BRIEN.—The term "Protestant" undoubtedly existed in that day, but was the word "Episcopalian" used at all in religious discussion in Ireland, at that time—1651?

Rev. Dr. NICKOLAS.—"Protestant" was very much in use, and "Episcopal" was a term very frequently used. Our contention is that he used this term "Protestant" to embrace all Protestants, including Presbyterians and Independents. He did not regard it as a name exclusively connected with the Episcopal Church of Ireland. Supposing the Presbyterians were establishing a school they would not put in their Charter that it was to be conducted "not contrary to any of the Canons of the Presbyterian Church": that would be a master taken for granted; but if the Presbyterians were having a Charter in which others were connected they would say that "nothing shall be contrary to the Canons of the Presbyterian Church." Then the test required of the teacher that he should accept the Thirty-nine Articles and Royal Supremacy. Mr. Dodd, yesterday, said, that this was accepting the Calvinistic theology of the Presbyterian Church—that the Thirty-nine Articles were Calvinistic. It might be taken that the doctrinal basis should be the basis to go on, and that all who accepted the Calvinistic authority might benefit. The highest authors maintain that the Thirty-nine Articles are not Calvinistic. I would refer the Commission, if any one member of it wishes to examine into it, to Harold Brown, on the Thirty-nine Articles, page 413. You will find that there is no proper reason for saying that the Thirty-nine Articles are Calvinistic. As to how the Methodists and Congregationalists come in, they are not referred to in this document.

426. Dr. TRAILL.—Were there any Methodists at that time?

Rev. Dr. NICKOLAS.—There were no Methodists at that time by name. They come in as Protestants, or as Episcopalian and Presbyterians, for there are elements in Methodism common to the others. Methodists hold the essential doctrines of both churches—Methodism and Congregationalism being really Protestantism, and they seem to me to come in and to have a fair claim on the legacy of this man who was in the strict sense a Protestant.

427. Dr. TRAILL.—If they followed the advice of John Wesley they would never have been Methodists but all Episcopalian.

Rev. Dr. NICKOLAS.—A good many questions arise out of that. One contention is that there should be some representative of Methodism on the Governing Body, and whowherever are Methodists, that a local school should be established. We also, as regards the beneficiaries of the charity, wish to say something. The children of Protestants, and children complying with the conditions laid down belonging to the estates of Erasmus Smith, have the first claim, but we think that after that there is no reason why the benefits of the Schools should not be extended, and should be confined to children attending in Harcourt-Street for example. They have no greater claim than the children educated in other Protestant schools. We think that, complying with the conditions laid down, there should be some means provided by which they could share in the benefits of this endowment.

428. Dr. TRAILE.—Have you any return of the number of Methodists on the estates of Erasmus Smith in different parts of Ireland?

Rev. Dr. NICHOLAS.—No, I have not; but I could get them, and send them to the Commission. If it is required I will send it.

429. I know that the parts of the country in which Methodism is strongest are remote from Erasmus Smith's estates.

Rev. D. Heslophey.—They are far away from the estates.

Mr. Justice O'BRIEN.—You are quite right in that; they are, generally speaking, remote from the estates. There are a good many in Limerick.

Rev. D. Heslophey.—Yes, but far from those estates.

Mr. Justice O'BRIEN.—Oh, yes.

Mr. MATTHESON, Q.C.—My lords, I appear on behalf of Trinity College to oppose the Draft Scheme framed by the Commission. The objections of Trinity College are stated in the printed objections, number 4 on the last page of the Scheme. These objections are:—First that this Commission has no power under the Act of Parliament to take away the property and endowments which the Scheme proposes to take away from the College; secondly, that if they have such a power it is unjust to do so under the circumstances; and, thirdly, because the Scheme contains, in Section 13, a power to divert the entire of the endowments from Trinity College, both the endowments that the Scheme recognises as belonging to Trinity College, and the endowments that it does not so recognise. I will remind you what is the position of Trinity College in this matter. By the original indenture, and also by the Deed of 1657, a provision was made for certain exhibitions in Trinity College. The first portion of the fund that was applied to the establishment of a lectureship was by the Charter of 1649, and by that it was provided that, if the rental should exceed £100 a year, £30 was to be applied in founding a lectureship in Hebrew, which was to be approved of by the Board. That is in the Charter at page 22 of the little book. It provides that if the rent exceeded £100 a year there should be paid for reading a Hebrew lecture there the yearly sum of £30. That Hebrew lectureship was established in 1660, and continues down to the present day. By the Act of 1723 provision was made for the establishment of three Junior Fellowships in the College, and also two lectureships, one in Oratory and History, and the other in Experimental Philosophy. These are provided by the Charter at pages 30 and 33. I call your attention to the form of words in which these are provided for.

430. Dr. TRAILE.—Is this the Act of 1723?

Mr. MATTHESON.—Yes, the Act of 1723, at page 30. The Charter of 1659 only provided for the Hebrew lectures. It then provides, at page 31, that there shall be three new Fellowships established. Then it goes on to provide that from and after the first day of May, 1724, there shall be established and continued for ever hereafter a lectureship in Hebrew. At page 33 provision is made for the income and salary of the said lecturer at a yearly sum of £30. Then it provides for the establishment of three new Fellowships, one in Oratory, one in History, and another in Natural Philosophy. Then at page 35 there was this further provision, which I look upon as a material provision, dealing with the endowment which the Draft Scheme now proposes to take away. It is in that section enacted that if at time the rents, revenue, or profits should decrease, the Governors may reduce, from time to time, the sum to be annually paid to the College.

431. Mr. Justice O'BRIEN.—It does not make it imperative?

Mr. MATTHESON.—I am not contending that.

Lord Justice FIRGESSON.—From time to time.

Mr. MATTHESON.—Nor ever hereafter. If under that management they entered into an arrangement with

Trinity College and erected a public hall in Trinity College, could they afterwards take it down?

432. Mr. Justice O'BRIEN.—Supposing they endowed it, could they not take away the endowment?

Mr. MATTHESON.—I will come to that, but I wish now to show you what it was exactly that was done under this provision. They are to apply the surplus to some public work or use in Trinity College. This there are a number of minor matters mentioned. It is provided that if at any time the yearly rents and profits should decrease they may make reductions in the annual payments but no deduction or abatement was to be made with regard to Christ's Hospital, or in the sum to be paid for the three lectureships in Trinity College. My argument is that once they had dedicated the fund pursuant to the statutory power given to them by that clause they had no power to reduce it, except when the rents and profits had decreased. You must take the whole clause together. It enables them to apply as mentioned, the surplus to works of public utility.

433. Lord Justice FIRGESSON.—That might be such as erecting a building or some other new work. For the present purpose, you must take an annual expenditure—putting out children to school or apprenticeship. Your argument would come to this, that if they spent £7,000 in such a way for a year, they could never change the application of it.

Mr. MATTHESON.—My argument would only be this—that if they apply portion of that surplus to a permanent, continuing object, they ought not and cannot withdraw it; that it is not contemplated by this provision, and that it would be quite unfair to do so. What I say is this, that you must take the whole clause together. It empowers them to apply the surplus to a particular object, and then it provides for the reduction of it only in certain events.

434. My view at present is, that if they attempted to limit, by any arrangement, the annual exercise of their own discretion in this matter, they would be doing what they had no right to do.

Mr. MATTHESON.—I will allow your lordship that the only time they did reduce these payments was under this very provision, which enabled them to do it when the rents and profits decreased. It might be better to tell you what was done. The Act was passed in 1723, and what appears in the minutes of the Governors? There was a meeting on the 2nd February, 1750, and there it was ordered that the further consideration of the balance remaining in the Treasurer's hands, and the decreased rents be reserved at the next meeting, and that the sum to be contributed to Trinity College be then mentioned to the Board. And then in 1763, on the 1st November, there is an entry, that the memorial of the Freemen and Senior Fellows of Trinity College being laid before the Board, it was ordered that the Treasurer do pay to the Bursar of the said College the annual sum of £42 towards erecting and supporting a Professorship of Mathematics. That was as early as 1763: the rents in the previous year having increased, they adopted a payment of £42 towards erecting and supporting a Professorship of Mathematics. Subsequently in 1765, there was a further proviso that the Treasurer pay the Bursar of Trinity College the annual sum of £65, to be paid to the Lecturer in Philosophy, for the time being, in said College, as Professor of Philosophy, and for the payment of £35 a year payable to him as Lecturer, and that for the future he be styled Professor and Lecturer in Philosophy. It was ordered that he should be raised to the rank of Professor.

435. Dr. TRAILE.—That is the post that Mr. Galbraith held so long, and that Mr. Fitzgerald holds now?

Mr. MATTHESON.—Yes.

436. Mr. Justice O'BRIEN.—Does that income come in as a public work?

Mr. MATTHESON.—I should say so; it certainly is a public use. Supporting this Professorship, funded at

255 a year, which in 1759, would have been a substantial sum, in the course of time so falls off when the value of money decreased, that no Professor could be obtained—no competent or suitable Professor—for £26 annually, it would be of little use in the University to endow that Professorship to an extent that would admit a suitable Professor being obtained. I will give the figures as to what these Professors are actually receiving. They appear to have provided for the appointment of some assistants, which, in course of time, became necessary, but the payments to the Professors appear to have continued at the same rate up to July, 1850, and on the 13th July, 1850, after the famine, and when the rents had fallen off very much, there appears to have been a committee appointed to inquire into the best mode of reducing the outgoings, and then there is a minute setting forth that the Report of the Standing Committee having been read, it was ordered that the schedule of reductions be confirmed, and the same entered on the minutes, and that the committee be requested to report to next Board what further reductions can be made to meet the decline in the Governors' funds. From 1850 to 1859 the sum payments that had been given in 1759 were discontinued under the powers that were given to do by the statute of reducing the payments out of the surplus in the one event of the income having fallen off. They continued the original statutory sum that were fixed by the Act, and they were reduced to be so paid between 1850 and 1859. At a meeting held on the 28th January, 1859, the Board ordered that the various payments to Trinity College be restored to the amounts as paid up to the 1st May, as follows:—Professor of Hebrew £20, Oratory £20, History £20, Mathematics £20, Natural Philosophy £20, a payment for three Junior Fellowships £9 6s. 3d.; for twenty Exhibitions £211 10s., and fifteen Exhibitions £128 2s. 2d., total £750 6s. 3d. From that date, the 28th January, 1859, down to the present time, these payments have continued unaltered with this exception, that the payments for Exhibitions have varied according as there were candidates for the vacancies, but the payments to the Professors have continued unaltered to the present time.

437. Mr. Justice O'BRIEN.—The payments to Professors remained the same, but the Exhibitions were stripped.

The Vice-Chancellor.—They never were stripped. Mr. Matheson.—No, whenever there were candidates for was given.

The Vice-Chancellor.—Always.

Mr. Matheson.—It appears from the memorandum which is attached to the Scheme that the annual payment has varied from the estate, but that they were reduced to £750 6s. 3d., the amount they were before the reduction. The statement says that for some years back they have amounted to about £800 a year. That is a misleading statement, for the full amount has been paid whenever there were candidates suitable for the Exhibitions, and there has been no variation at all since 1859 in the payments that have been made to the Professors. The actual payments that the Professors get I need scarcely tell you are such that at this day you could not get Professors to accept.

438. Mr. Justice O'BRIEN.—You cannot find a Professor for £25 a year, unless on the principle that I would bring other payables, as a doctor gives a considerable sum to be attached to a hospital though there is no salary.

Mr. Matheson.—That has no analogy to a professor in college. A doctor takes office in a hospital for it gives him a position which enables him to increase his private practice, and indirectly it brings in money, in addition to which it gives him experience.

Dr. TRAILL.—They generally get a lot of fees from the medical students also.

Mr. Matheson.—They do, and even if there was

nothing but the position it would not be analogous to a professor who makes his living from educational sources by teaching.

Dr. TRAILL.—The Professors would not give up their College Tutorships to take those professorships unless they got a larger salary.

Mr. Matheson.—Certainly not. That will show you the manifest injustice of taking away those payments which have been made for nearly 200 years, after those Professorships have been founded by the College, and men put into those positions who kept them to the present moment on the faith of not being interfered with. My first contention is on the Act of Parliament, under which you have no power to take away these supplemental payments for the Professors. The Scheme does not propose to interfere with the money paid for Exhibitions; it only proposes to clip off the sum of £211 off the payments.

439. Lord Justice FIRKGREN.—Under the Charter certain prescribed sums are given to persons with whom the Governors of Erasmus Smith have nothing to do. The appointments and the payments are in the hands of the Provost and Senior Fellows of Trinity College. The Draft Scheme treats this amount as outside the jurisdiction of the Commission; but the other sum, the supplements to the salaries, &c., are still kept under the dominion of the Board of Erasmus Smith, and are therefore dealt with by the Scheme.

Mr. Matheson.—What I will try to show is, that these supplemental payments made to the Professors are just as much endowments belonging to the College, and are as much as the gift of the College as the original ones that were specified by the Act itself.

440. Lord Justice FIRKGREN.—If Erasmus Smith's Board now withdrew these payments, what would you say; could they do so?

Mr. Matheson.—I think not. I would contend that even in 1850, if the College had chosen to resist the withdrawal of the supplementary grants, they would have very strong grounds to rely on, because, at that time, the Erasmus Smith's Board had given other amounts out of the surplus, and though they reduced the sums payable annually to the Professors, they did not reduce the sums payable to some of the very schools which were endowed later in date than those Professorships. At present I will say that they would not have the right of withdrawing this supplementary payment from Trinity College. I contend that this is as much an endowment belonging to Trinity College as the original sum. At present there is paid to the Professor of Hebrew £20 a year. The Scheme proposes to reduce that by £13 6s. 3d., leaving him £27 13s. 10d. There is paid at present £60 to the Professor of Oratory, and it is proposed to reduce it by £30 6s. 3d. The Professors of History, Mathematics, and Natural Philosophy are also proposed to be reduced from £20 each to £27 13s. 10d., taking away £30 6s. 3d. in each case.

Lord Justice FIRKGREN.—When you use the expression "take away," you must show that the Scheme fails to secure all that is given by the Act of Parliament. It leaves the remainder as it is, within the power of Erasmus Smith's Board.

441. Monsignore MONZON.—Your contention is that these supplemental endowments to Trinity College are exempt?

Mr. Matheson.—That is my point, and I say that, having regard to the circumstances under which they were given to Trinity College, the fact that there are men now filling those Professorships, and that the College is bound to pay those salaries, that it would be unjust to take out this £211 a year, having regard to the fact that the revenues of this estate have increased from the sum of £3,000 to £8,000 a year.

442. Lord Justice FIRKGREN.—It was endowed with these Professorships long ago, and the estate, which then was producing £3,000, now produces £6,000. That appears to me only to give you a claim now to the amount that £25 was worth then.

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Mr. Matheson.—This sum of £311 13s. 10d. is proposed to be taken out of the amount paid to the College now, Schedule 3, at page 33, is based on "Trinity College Endowments." The Trinity College endowments consisted of the following yearly sums:—At first £20 13s. 4d. is the yearly stipend of each of the three Junior Fellows, and the yearly sum of £27 13s. 10d. is the stipend of the Erasmus Smith's Lecturer on Hebrew; £30 6s. 3d. the stipend of the Lecturer on Oratory and History, and £20 6s. 2d. the stipend of the Lecturer on Mathematics and Experimental Philosophy. These are the sums which are mentioned in the Act of Parliament and in the Charter.

Monsignor MOLLOY.—Did these constitute the sum of £180 13s. 3d. which I suppose is £200 Irish?

Mr. Matheson.—Yes. Then the Fourth Schedule is the Trinity College Exhibition Fund, and makes no change in the Exhibition Fund.

443. Lord Justice FIRKGRENSEY.—It enables the Governors to continue to make the payments.

Mr. Matheson.—It does not propose to reduce in amount the Exhibition Fund.

444. Monsignor MONZON.—I think it does. The amount left unapplied of the present payments to Trinity College is about £200 a year, and the amount dealt with in the Scheme is £200; you make it £200, but that is a point of detail.

Mr. Matheson.—The difference in the figures between you and myself is caused by your taking the payment of the three Junior Fellowships. They amount to £100 Irish. Looking to the 7th clause of the Act of Parliament we find it enacted that this Act shall not apply to the endowments in the University of Dublin or Trinity College, and "Endowment" is defined in the first section as "property dedicated to a charitable use, and which has been applied or is applicable in the whole or in part, whether by the declared intention of the founder or by the consent of the Governing Body or by custom or otherwise to educational purposes." The facts with regard to these additional payments—the ground, as I take it, on which the Commission has proposed to take away those supplemental payments is stated in the memorandum at page 6, number 3. As I take it the grounds on which you have proposed to cut off these supplemental payments is, that there is no express provision made by the Charter or by the Act of Parliament for them, and you draw a distinction between two classes of endowments, because one of them is expressly prescribed by the statute, and the other is not. What I contend is that under the clause at page 33 these are as much prescribed by the statute within the meaning of it. What that provision says is that it shall and may be lawful for the Governors of the Schools for the time being to apply and dispose of the residuum and surplus for or towards some public work or use in Trinity College. Under that they had power to apply the entire of this residuum. They have only applied this £311 a year. Under that they had power to apply the entire residuum to some public work or use in Trinity College. There can be no question of the public use effected by supplementing the salaries of the Professors where in the course of time the value of their salaries had become decreased.

445. Lord Justice FIRKGRENSEY.—A new Professorship might be of public use.

Mr. Matheson.—Yes, they founded the Professorships on a new basis.

446. Mr. Justice O'BRIEN.—If you establish that doctrine you furnish a very efficient one to do away with any trust fund—that a salary may be increased ad infinitum. That would make away with the whole of the trust fund.

Mr. Matheson.—With great respect I do not think that would apply at all—to supplement what was the original foundation of the trust. Surely the whole principle that is implied by the trust where the funds have

increased is to apply the increase to some like on the original foundation. It appears to me that the application is such as would be approved of if the claim on which it stands has to be applied. It appears to me that that was the public use of it.

447. Lord Justice FIRKGRENSEY.—In England, under the control of the Privy Council, they have considered that old sums could be altered.

Mr. Justice O'BRIEN.—The only decision that is referred to here of the Privy Council in England has not been quoted at all; it has been merely referred to, not quoted, that is the decision of Lord Bolsover. I should like to see the Acts referred to on the application of funds now to a use defined by Statute.

Mr. Matheson.—They are all collected in the new Law Reports Digest, under the title of Endowed Schools. Cases in which they have increased payments, as Lord Justice Fitzgerald has referred to. Where sums given to a charity were small, they have increased them to what would be supposed to be the modern corresponding amounts.

448. Dr. TRAILL.—The Senior Fellowships in Trinity College are an illustration; they amount now to £1,100 a year, besides offices. It is only the Junior Fellows who have to work on, at the old salaries.

Mr. Matheson.—Some of them at £6 13s. 4d. a quarter, and they have to pay income tax out of that.

449. Lord Justice FIRKGRENSEY.—Where there was an endowment of a certain amount, and nothing was said about the residue in case of the income increasing, there are some cases where the surplus went to the trust, others where it went to the managing body; but where the whole income was originally to be divided into so many salaries, each part would be proportionally increased.

Mr. Matheson.—It is not necessary for me to gainsay that. Under this endowment they had the power to apply the surplus to a public use, and a public use would be the endowment of another Professorship in the College. I do not think that proposition could be disputed. If they concluded that it was necessary to establish another Professorship or to increase the salaries of the existing Professors, it was in their power to do so; they had practically the power of appointment out of the residuum, although the Act of Parliament did not specify the objects, because as far as had provided for the existing incomes, and the salaries that had to be provided for, would have exhausted the income. £20 13s. 4d., multiplied by three comes to £63 6s. In the yearly sum of £20 13s. 3d., I understand there is a mistake, and that it ought to be £63. The whole thing without the supplemental payments is £419 6s. 3d., and the supplemental payments are £73 17s., that makes the total amount, £492 3s. 9d. These are the payments that would be made under the Scheme; the supplemental payments are made directly by the Governor, and the £412 6s. 3d. is what passes through Trinity College, through the hands of the Board.

450. Lord Justice FIRKGRENSEY.—Do you include the sums paid to Exhibitions?

Mr. Matheson.—Yes, what I contend under this Clause, on page 33 of this Act of Parliament, is that it is equivalent to the power of appointment given by a deed which when exercised is exercised permanently, and cannot be withdrawn, except in the event which the Act of Parliament states. It enables the Governors to dispose of the residuum. The Governors, for the time being, have a discretionary power to apply the residuum at a time of increase of the revenue, to some public work or use in Trinity College, or the Blue Coat School, as the Governors, for the time being, shall think most proper and convenient. So that at the time that the deposition came to be made in 1762, the Governors considered it the most proper and convenient course to apply a certain portion of the estate, namely, £211, to one particular public use in Trinity College by

establishing those professorships and implementing grants-in-aid. Once the Governors had increased rents and exercised that discretion, I say that they had no power to withdraw it. There is no power given to the Governor year by year to withdraw any endowment. There is given to them a power to increase the rents, and to decide when there is an increase in the rents, how they will exercise their power of disposing of that increase by the institution of some work of public use in Trinity College, but once they have exercised that power it is only in the event of the rents decreasing that they can reduce the payments. What is the meaning of putting in an express provision which enables them, in the event of the rents falling off, to reduce those payments? I say that the Governors, for the time being, as specified in the Act, meant the Governors at the time they exercised the power of making these appointments; and that as the Governors have exercised that power of appointment, there is no power in their successors to make it except in the one instance of the rents and profits decreasing. The statute provides that when the rents and profits decrease it shall and may be levied—the very words which give them the power of appointment.

Mr. Justice O'BRIEN.—See at the end of the Case what it is that they are to reduce.

Mr. MATTHESON.—They have the power of reducing anything except the payment to Christ's Hospital.

Mr. Justice O'BRIEN.—

"The number of pensioners or exhibitors, and to make deductions in the payment of such pensions, salaries, or other yearly sums of money hereby granted or confirmed to be paid by them."

Mr. MATTHESON.—Certainly. I do not deny their power to reduce it where the rents are falling off, but the rents here are sufficient and larger than when this Act of Parliament was passed.

Mr. DR. TRAILL.—Do you say that the reduction should be in proportion?

Mr. MATTHESON.—They would not.

Mr. Justice FIRSINGER.—If the rents fall away, they could even reduce the Schools.

Mr. MATTHESON.—They could not, nor the payment to Christ's Hospital. The words Mr. Justice O'Brien has used—"The same hourly appointed"—taking it altogether, is the power of appointment given to them.

Mr. Justice O'BRIEN.—Merely authorised to manage!

Mr. MATTHESON.—Certainly.

Mr. Justice O'BRIEN.—It is not a power at all.

Mr. Justice FIRSINGER.—"Merely appointed," without will or choice. Or "continued to be paid by them."

Mr. MATTHESON.—By the use of the words "merely appointed," it appears to have been drawn up by a lawyer.

Mr. Justice FIRSINGER.—I think the Clause indicates a continuing payment being arranged for, fail to say they might undertake to pay so much £100 per annum for so long, the Clause provides that they might withdraw or lessen the payments if their funds fell away in a case where they had bound themselves to a continuing payment. I cannot say that if at a certain time they raised salaries or supplemented salaries or established new charges, they were bound to continue them for ever. I concur fully with you in the opinion that where a man has founded a Professorship it is in every way just and expedient to keep it up to the position as regards endowment which he intended it to have when he founded it.

Mr. MATTHESON.—What more permanent obligation will you suppose than founding a new Professorship? Could it be said that the following year after they had established the Professorship, a different Board of Governors was to have the power of altering all the arrangements and rules made? That is my argument.

The words used are the same words precisely as those in the Act of Parliament with reference to those specifically mentioned; "for ever thereafter" are the words used. I contend that the proviso which enables the Board to reduce the sums they have so appointed under this power, excludes any other event. When the pressure of the time came in 1847 and 1848 and the Board found it necessary to reduce the payments, they did it under the power expressly given to them by that Act of Parliament. The College could not I suppose at the time—at all events they did not resist it, but if it was necessary they had the power to do it. They had power to reduce it only in one event. It is even become a question between reducing the English Schools and Trinity College, I would say that they were bound to reduce the English Schools before the Trinity College funds, because they had appointed these sums to Trinity College before those English Schools, and when they alleged that it became necessary to reduce the sums paid to Trinity College, I think Trinity College could have insisted on the reduction being made in the Schools, before the payments to Trinity College were reduced.

457. Lord Justice FIRSINGER.—In founding these English Schools they provided for the withdrawal of the grants, and when they did withdraw the grant, they lost the building.

The Vice-Chancellor.—That is so.

Mr. MATTHESON.—They invited Trinity College to found these Professorships.

458. Lord Justice FIRSINGER.—Have you the date of any minute on which you can rely?

Mr. MATTHESON.—1673 and 1703. I would not use the word bargain in reference to it. I say this strictly meaning it is a property in use. It was an agreement, they invited Trinity College, which had a perfect right to refuse, to establish these Professorships. They proposed to pay those sums and the College accepted that, and on the faith of getting those additional funds they established the Professorships. The increased sum is not sufficient to pay those Professors. The College pays the difference. The salary of the Hebrew Professor is £100 a year and the College pays him the additional £40. Another Professor's salary is £200 and the College pays him the additional £140.

459. Mr. Justice O'BRIEN.—They are all tutor, are they not?

Mr. MATTHESON.—No, one or two are not, and these do not get as large a salary as a professor outside.

460. Lord Justice FIRSINGER.—Erasmus Smith's Professors under the statute are not tutors, they are not even contemplated to be Fellows of the College.

Mr. MATTHESON.—It may be that the ones that are not tutors, are the ones mentioned in the statute. But whether they are tutors or whether they are not, the salary they receive from the College is a great deal more than even the supplemental salary that is given by the Erasmus Smith's Board. The College has elected these Fellows. Most of them hold their appointments for life. They have employed them, and appointed them to these Professorships, on the faith of their receiving a certain sum of money. Taking the Professorship of Hebrew, £100 a year, which is the smallest of the number, the College are bound to pay that £100 a year. They are bound to make up the difference between £100 and £60, and to pay the supplemental salary. This brings me to the second branch of the Act of Parliament which says not merely that the Act shall not apply to endowments belonging to Trinity College, but to endowments which are administered by or in the gift of Trinity College. I say they are as much belonging to Trinity College by virtue of the appointment made by the Board in 1673, as if the Professors were named and the salaries named in the statute. I say they are clearly unincorporated, or in the gift of the College. What would say one read, except a lawyer, who would come to read and digest that clause? By the proviso in Section 7, it is

enacted that this Act shall not apply to any of the endowments in the gift of Trinity College. They surely would understand that Trinity College was not to be touched by that Act. Popularly, is not that what it means?

461. Mr. Justice O'BRIEN.—A lawyer would give a different meaning.

Mr. MATTHEWS.—But I am bound to interpret it both popularly and as a lawyer.

462. Dr. TRAILL.—I suppose you mean it never would have passed the House of Commons if it had not had that meaning attached to it?

Mr. MATTHEWS.—That is to say, it never would have passed.

463. Mr. Justice O'BRIEN.—It is very hard to know what the House of Commons would do. Would you say now, that supposing in the preparation of this Scheme there was no express power of revocation, an absolute power of revocation, inserted in the resolution giving this £80 a year, would you say that was an endowment of Trinity College?

Mr. MATTHEWS.—Certainly, until it was revoked.

464. Until it was revoked?

Mr. MATTHEWS.—Yes.

465. I would like to see the way to the legal solution, and not this popular solution, of my distinguished colleague.

Mr. MATTHEWS.—It was I who suggested the popular.

466. No, Dr. Traill used as an argument that it passed the House of Commons on the faith of an interpretation he put on it.

Mr. MATTHEWS.—Your colleague has, in the observation you make just now, strengthened my point. The Erasmus Smith Board was given the power of appointment under this statute, and it was perfectly open for them to make an irrevocable appointment, and unless they protect themselves by some clause of revocation, they cannot revoke it. It appears that in applying some of this surplus they protected themselves by a clause enabling them to withdraw the endowment they have given in other places. That shows my hon. that unless they protect themselves by a clause of that kind it becomes an absolute appointment; and what I would say is that this was an appointment which was made and not revoked. It is in the gift of Trinity College. Surely if it does not belong to Trinity College it is administered by it, and is in its gift.

467. Lord Justice PRINGLE.—What is in its gift?

Mr. MATTHEWS.—The property; the money; the supplementary payment; this £211 is in the gift of Trinity College.

468. Look at the Act, two Professorships are mentioned in it, do you say that they are in the gift of Trinity College?

Mr. MATTHEWS.—Certainly.

469. The College is to examine the candidates, and within ten days after the examination, verify two of the most deserving to be appointed by the Governors.

Mr. MATTHEWS.—The College held the examination, and the College ascertained and nominated the successful persons at the examination. The College people pay the Bursar a salary. The College bulk the sum they get from the Governors with their own money; they employ their Bursar, and he gives them the receipt for his salary. The money is paid by the College, and is in the gift of the College. The 7th Section was framed to avoid any ambiguity. Suppose they had in their minds those supplementary awards, how could the persons who framed this clause avoid the interpretation that it only passed through their hands, except by saying "administered by them?"

470. Mr. Justice O'BRIEN.—Suppose they were to adopt the popular exposition instead of the legal exposition; would any body suppose that the payment of money by one educational institute to another educational institute deprives the first of control?

Mr. MATTHEWS.—I do not think the Erasmus Smith Board is an educational institute.

471. That it is not an educational institution? Mr. MATTHEWS.—Not in the sense in which you use it. Why did they put in the second word, or the third? Surely, if it was something originally belonging to Trinity College, supposing they simply meant to refer to assets of Trinity College, the word "belonging to" would be enough to put in the sense, I will not ask your lordship to interpret it but as a lawyer. You are bound to look at the meaning, and to say what is its meaning. If the first is satisfied by "property of" or "belonging to" Trinity College, what is the meaning of "administered by"?

472. If I give the sum of £200 to administer it by increasing numbers of officers, is it not mine?

Mr. MATTHEWS.—If your lordship gives £200 a year to be disposed of by Trinity College, if they take it, it belongs to Trinity College. The words of the definition are very broad—by the creature of the Governing Body, applied to educational purposes, administered by Trinity College.

473. You leave out all those words in Section 7. If money is to be applied in that way, or to be given for a necessary or public use, I would say that after seven years it might be withdrawn.

Mr. MATTHEWS.—If the object for which they applied the surplus was in itself a terminating object.

474. No, but it is associated with a terminable object; that is against you.

Mr. MATTHEWS.—Suppose it was to pay a sum to put poor children out to school until they had attained ten or fifteen years of age, surely there would be nothing in the fact transverse that the objects mentioned were objects that would only last for a term of years, because as soon as the object had come to an end the fund would be enlarged; if it is in the nature of a principal power of appointment, it would even spring into existence with regard to the fund that had been closed. But where they appointed a permanent object, such as a professorship, the fact that it appears in the section mentioned a terminable object does not take away from it. I say, my lords, that, even if I have failed to bring this endowment within the purview of the 7th Section of the Act, I would submit that the Scheme is unjust and unfair in taking over a sum of money that for nearly 200 years has been paid to Trinity College. Trinity College was in the original object of the creation and origin of Erasmus Smith. In his very first Deed of 1661, Trinity College is mentioned, and though his income appears at that time to have been very small, it provides for the education at Trinity College of the children a sum of £10 a year. His whole educational system led up to Trinity College. His system of education was contemplated for the fitting of children not to go to any other University but to Trinity College.

475. Lord Justice PRINGLE.—I cannot go with you to the full extent, that because Erasmus Smith in 1670 contemplated sending pupils to Trinity College only, we ought in 1892 to ignore the other provisions now existing for University education. In 1892 Trinity College and the University of Dublin were the only University and College available in Ireland. The general intention was to afford fit pupils a University education. It does not appear to me to be unfair to say that the Governors of Erasmus Smith might now make a similar provision for a boy at the Royal University, that Erasmus Smith wished to make in Trinity College.

Mr. MATTHEWS.—There would be a great deal of effort in what your lordship says if the Erasmus Smith Board, where the income has increased from two hundred to several thousands a year, had greater endowing Trinity College in proportion to the income. But, having respect to charge of him and the number of other Universities and Colleges that have sprung up, which would not be fair in regard to Erasmus Smith's intention that a sum of money should be applied to Trinity College—it being then the only University,

James Smith did not apply that narrow view to Trinity College.

471. Lord Justice FREEMAN.—Do you contend that the Scheme ought not to allow any provision for Trinity Exhibitions except at Trinity College?

Mr. Matheson.—I am not interested in that at all. The Scheme proposes to reserve to Trinity College what it has had hitherto as exhibitions.

472. Lord Justice FREEMAN.—It does a great deal more. It reserves a considerable amount for University Exhibitions which may be placed in Trinity College or elsewhere.

Mr. Matheson.—I am not opposing that.

The Vice-Chancellor.—We are and we do.

473. Mr. Justice O'BURKE.—My Lord Justice's observation leads to this; it is not taking it away. It is illegally appropriated and is returned to the children which it was intended to benefit originally.

Mr. Matheson.—Then I join issue with your lordship. Take from start to finish of the financial working to Emerson Smith's Schools, Trinity College was the object of his bounty.

474. Mr. Justice O'BURKE.—Of his favour say.

Mr. Matheson.—Yes, favour is a better word; his favour and respect and at the funds increased: in the first document he gave no endowment to the College. Is it there is a provision for one Professorship; in '68 there is another. In 1723, in the Act of Parliament, which is supposed to carry out his intention, there is an increased bounty to Trinity College. I say that as the rents of these estates increased so the expression of his favour towards Trinity College increased. I really deny that the supplementary provision which Emerson Smith has made for Trinity College, many departure from his original intention. On inquiry it was carrying out of the Act declining the founder's intention in this matter, as the income he increased from hundreds to thousands and is now over £5,000 a year.

475. Mr. Justice O'BURKE.—You are a little wrong about the figures.

Mr. Matheson.—There are changes on it. Well, suppose about £20,000 would represent it. Though, when he was dealing with Trinity College, he spoke of a sum of £300 a year, it is now £50,000, and all that the Emerson Smith Governors have given to Trinity College is £2111. Only £2111 have they applied to Trinity College out of the bounties. What you propose to take away in figures is the supplemental payments to the Professors. What I say is that it would be most unjust, even if you have the power, to take off this small sum of £2111 a year, because it is apparent that it certainly not a departure from founder's intentions, especially as the value of his estate has increased from £300 or £400 a year to £50,000 a year. He would not for one moment say that the increase of £2111 a year on the original endowment was anything like a departure from his intention, or that it was too big a sum to give to Trinity College, having regard to the fact that other Colleges and Universities have since been established in this country which I dare say might be objects of his bounty to.

476. Monsignore MORLOR.—When you speak of his bounty to Trinity College, during his lifetime, the bounty was that children of the tenants on his estate, who should be found fit for Trinity College, should have exhibitions there. The only time in which he provided directly for Trinity College was the Eskew Lectureship. The exhibitions were provided for the poor children of his tenants principally, secondly, for other poor children educated in his Schools. Therefore, his primary object was not to benefit Trinity College, but to benefit the children of his tenants.

Mr. Matheson.—I thank you, sir, for that observation, for it enables me to say this, that in no way does the power which you possess to take away, interfere with what you regard as the primary intention.

I am not interested as to how far that leads to over-calling the intention to benefit those tenants' children. Then I say that the payment of this £2111 a year to Trinity College did not interfere with that original intention, for you have only £753 a year altogether paid to Trinity College, including exhibitions and everything, and you have £50,000 a year left to be applied to his original intention of benefiting the children of his tenants. That is the ground on which I would appeal to you that this £2111 does not interfere with carrying out his intentions with regard to his tenants. Those who framed this Act of Parliament provided for certain Professorships in Trinity College for the benefit of his tenants and to which he contemplated those tenants to go.

477. Monsignore MORLOR.—He provided for one Eskew Lectureship.

Mr. Matheson.—He did, and the Act of Parliament provided for others. It is not necessary to interfere with this £2111 a year in order to carry out the founder's intention with respect to the benefit of his tenants. Suppose it came to a conflict between those professorships and the establishment of schools for his tenants, it might be a question then as to the fairness of whether you should not take this sum away; but that is not the position here. The question does not arise between me as representing Trinity College and the tenants. The great bulk of the funds have gone to establish other schools which it is alleged are not the class of schools intended by him for the children of his tenants. The only other observation I wish to make is with regard to our third objection, namely, that the Scheme proposed by the 13th clause to enable the Governors to direct over an endowment which the Scheme recognises as belonging to Trinity College from Trinity College itself.

478. Lord Justice FREEMAN.—These are not compulsory provisions.

Mr. Matheson.—Look at number 2—about the Professors.

479. You may be right that it should be made clearer. If there is any ambiguity it is not meant that there should be.

Mr. Matheson.—"Shall be expended and applied by them for or towards the following purposes or so many of them."

480. Mr. Justice O'BURKE.—Is that a lawyer's point or a popular point?

Mr. Matheson.—A lawyer's point.

Lord Justice FREEMAN.—The Governors shall make the payments "in the same manner as if this Scheme had not passed."

The Vice-Chancellor.—It is better not to have a law-suit about it.

481. Lord Justice FREEMAN.—Certainly. I want to direct attention to the exhibition clause—16—as I understand it, it is intended to give the Governors a discretionary power to continue the supplements. I do not know whether you deny that the supplementing of those exhibitions is in the discretion of the Governors.

Mr. Matheson.—I understand these have been paid direct by the Governors and not passed through Trinity College.

The Vice-Chancellor.—Certainly.

482. Lord Justice FREEMAN.—The Governors have supplemented a certain number of exhibitions for pupils of their own Schools, and these are awarded with other Trinity College Exhibitions, but there remain a number of the old exhibitions. The Scheme proposes that these should be awarded to poor scholars on examination. I want to know whether Trinity College objects to that?

483. Mr. Justice O'BURKE.—Have you given a written statement of your objections?

Mr. Matheson.—Yes.

Mr. Justice O'BURKE.—The objections that are now already will be considered.

Mr. Matheson.—Up to this I have had the

you know objections that have been lodged. Whatever it may be in the future Scheme, the Scheme, as at present framed, proposes to keep those exhibitions as they are at present.

Lord Justice FRYER-GIBSON.—You want to keep what you have got.

Mr. MACKENZIE.—Yes, and what the Commission may consider to have been the original intention of the founders.

Mr. JELLINE.—My lords, I appear on behalf of the Governors of King's Hospital. They have lodged an objection, which is two-fold. In the first place, in relation to the Draft Scheme, no provision is made for the representation of King's Hospital; and in the next place they object that no provision is made that the Governors to be appointed by Erasmus Smith's Board or Governors of King's Hospital are to be members of the Church of Ireland. I do not think it will be necessary for me to go into that at any length. King's Hospital was founded in the reign of King Charles II. as an exclusively denominational institution, and it has ever since remained so down to the present time. The original Governors of King's Hospital under their Charter consisted of the Mayne, Sheriffs, and Aldermen of Dublin and their successors. At that time they were all Church of Ireland people. The master then was dealt with by the Municipal Corporations' Act, and though as the Roman Catholics were admitted to become members of all corporations, the Statute provided that the Governing Body of King's Hospital should not confine, but that six of the gentlemen who at that time were Governors should remain and the vacancies, as has been done ever since, should be supplied by the Lord Archbishop of Dublin, the Lord Chancellor of Ireland, and the Bishop of Meath. The next Act is that of 1723, the Act of 10 Geo. I., whereby an agreement was entered into between the Governors of Erasmus Smith's Schools and King's Hospital. It was an agreement by which the Governors of Erasmus Smith's Schools were empowered to place twenty free scholars in the Hospital paying a certain sum, and in order to ensure the representation of Erasmus Smith's Schools on the Board it was provided that there should be a reciprocal representation between these two Boards. The provision you will find on page 33 of the book containing the Charter. The same Section provided that the Governors added to the Board of Erasmus Smith, should be added to the Governors of the Hospital. I now come to the other Act, the Municipal Corporations' Act, Section 114; the 15th is the section which altered the constitution of the Blue Coat School; 114 is the section which repeals a portion of the section of 10th Geo. I., and regulates the representation. Your lordships there have the express statutory enactment that there shall be four Governors selected by the Governors of Erasmus Smith's School.

480. Lord Justice FRYER-GIBSON.—I do not quite follow that. It is not our fault that we are not familiar with the Charter of the Blue Coat School, but we will not go into that. As a matter of fact are any of Erasmus Smith's Board elected by the Governors of the Blue Coat School—members of Erasmus Smith's Board representing the Blue Coat Hospital?

The VICE-CHANCELLOR.—We have a double election, but Erasmus Smith's Governors have the election of both. We have a double duty now. We elect four of our Body to represent Erasmus Smith's Board on the Blue Coat Hospital, and by our election they become members of the other Board. Besides that we elect four of the Governors of the Blue Coat to be members of our Board.

481. Mr. Justice O'BRIEN.—Why do not they elect them?

The VICE-CHANCELLOR.—I could not tell you, but the Act of Parliament distinctly authorizes it.

482. Lord Justice FRYER-GIBSON.—Amongst the earliest matters which we had to settle was an applica-

cation from the Blue Coat School for a Scheme, but it was withdrawn immediately afterwards. In that case, all over Ireland—Roman Catholic, Presbyterian, everybody, when exemption was claimed—we made them to show us the ground on which they said the Act did not apply. The expression "claim of exemption" was perhaps inaccurate. What we asked of them all was to give us such evidence as they thought might bear on the point, whether under Section 7 our Act did not apply. Of course if we were in doubt that any given case came within our Act when it did not, that could not give us jurisdiction. We never pretended to do that—bind anybody by our own decision as to the extent of our power. But we always considered that we were bound, in the first instance, to ask the question, and to obtain the evidence. The Blue School was the only one which refused it. There was a long correspondence between the Governors and ourselves. It is only within the last month that they have undertaken to show the grounds of their exemption, and we have not yet had time to consider them.

483. Mr. Justice O'BRIEN.—Do you contend as a matter of law or as a matter of right? You must bear in mind that the section of the Act of Parliament under which we act is to "alter the constitution of my Governing Body."

Mr. JELLINE.—You may have power to alter the constitution of a Governing Body, but you have no power to repeal an Act of Parliament.

484. Yes, we could alter the constitution of a Governing Body and repeal the Act of Parliament pro tanto.

Mr. JELLINE.—The section I have referred to provides for the permanent and continued representation of the Governing Body.

485. Every Act of Parliament is supposed to us "for ever," but still they may be changed the following year.

Mr. JELLINE.—This very agreement between the Blue Coat and Erasmus Smith's Board is proposed to be perpetuated. Then I say it must be perpetuated by the Act of Parliament which retains that government. That was enacted by 10 Geo. I. Your Scheme now proposes to enable the proposed Body to work with the Blue Coat School.

Dr. TAYLOR.—What clause is that in the Scheme?

Mr. JELLINE.—The 13th clause in relation to the application of the endowment. The Scheme, in the first place, recites this specific agreement between the two Bodies. I confine myself entirely to the Blue Coat Hospital. The Governors of Erasmus Smith's School have power to elect from their own Body four members to be members of the Board of the Blue Coat School. Under this Scheme the future Governing Body of Erasmus Smith's Endowment may consist of members of any denomination, and there is no possible way of ascertaining how the future Governing Body may be constituted with regard to religious denominations. Therefore it would open the Governing Body of Erasmus Smith's Schools and of the Blue Coat School to members of any denomination. That is the whole point. It will see, my lords, that if that was done, it alters the constitution of the Governing Body of an institute which is strictly denominational.

486. Lord Justice FRYER-GIBSON.—I suppose you hardly contend that you could compel the Blue Coat Governors to send you any pupils.

Dr. TAYLOR.—It is a very great disadvantage to the institution to expect a Catholic body will be represented on the Board.

Mr. JELLINE.—That is the objection in a few words.

487. Lord Justice FRYER-GIBSON.—Before Mr. Wright replies, we have to look after the objections that have been sent in by parties who have not been represented here. I have had a letter from Mr. Exton about the Ardagh case. The objection appears to be under the impression that the endowment attached to their school is derived from Erasmus

Smith. The facts before us tend to a contrary conclusion, that the endowment is a rentcharge granted by the former Corporation of Ardee, but it never was Erasmus Smith's property.

Dr. TRAINE.—But they supplement it.

The Vice-Chancellor.—It is a rentcharge derived from the Town Commissioners.

Mr. Lord Justice FITZGERALD.—The endowment of being derived from Erasmus Smith, does not come within the present discussion; and, therefore, the objections are in no way prejudiced. The other objections relate to specific schools and to vested interests, and we will consider them in due course.

459. Dr. TRAINE.—Why doesn't Mr. Hamilton speak on behalf of the Presbyterians of Dublin? I used to ask him a question.

Mr. BROOKS, a.m.—He is not in the same interest as the Intermediate Committee.

501. Dr. TRAINE.—The statements that we ought to pay Wiggin College a sum equal to that received by the University of Dublin—I wanted to ask him about that.

Mr. BROOKS.—He was here.

Rev. D. HUMPHREY.—Might I ask your indulgence for a very few minutes? The matter is quite short, and I will dispose of it in two minutes. The endowments then given to Trinity College, and to the Blue Coat School, cannot be availed of by the Catholic tenants,—and the tenants are nearly all Catholics. I say that most of these endowments should be taken from Trinity College and the Blue Coat Hospital. The Act of 1725, under which these endowments were established, is a positive Act, and not a mandatory Act. It says—“I shall be lawful for the Governors to give so and so.” The word is not “shall give.” Most of the amount used by the Council for Trinity College, related to the exercise of that Act by the Governors. Again, I meet the point raised by the Lord Justice about the abolition of the English Schools. The argument I refer to is the argument of Mr. Justice O'Brien, that the Governors having discontinued some of the English Schools without a new Act of Parliament, the Act under which they founded those Schools could not have been mandatory. Lord Justice FITZGERALD objected, that in founding these English Schools the Governors had made special provision for withdrawing the grants. I meet that by saying that such special provision existed with respect to the Irish School, but they have withdrawn the English School. Therefore they have shown by their conduct that the Act was permissive, and not mandatory. Upon, as to the English Schools, it is conceded that the succeeded to the Statutory Exhibitions, come under the jurisdiction of this Commission. There are Statuary Exhibitions of £8 each, sums have been added to some of these to make them larger. I understand that you held that these added sums come under your jurisdiction.

502. Mr. Justice O'BRIEN.—That is in the Scheme, but there is and was a great conflict of opinion on the question.

Rev. D. HUMPHREY.—I think I might go further and say that the Statutory Exhibitions themselves come under your jurisdiction for this reason. Some of them have been increased and, with the increase, have been treated by the Governors as under their control. The Governors thereby showed that they had control, not only over the sums added, but also over the original £8 Statutory Exhibitions. I say that shows that their jurisdiction extends to all the Exhibitions. Again, with regard to the Lectureships, in the Act of Parliament under which they were established it is said that they shall continue for such time only as the Governors shall limit and appoint. That shows that the Governors retained to themselves power over those Lectureships. Therefore for some under this jurisdiction, it being co-extensive with them.

503. Dr. TRAINE.—Do you think it should be removed by taking them away from Trinity College?

Rev. D. HUMPHREY.—I do, for this reason, that they were left to the tenants on the estate and their children, and as nearly all of them are Catholics, and won't go to Trinity College, those Exhibitions should be taken from Trinity College, and given to them as their birthright. And as to the Blue Coat Hospital, for the same reason, the Governors having given money to that institution, and having the power of withdrawing it, the money should be withdrawn, because the Catholic children won't go there. Again, as to the difficulty about the four Governors of Erasmus Smith's Schools, who might be Governors of the Blue Coat Hospital, that can be met by relieving the Blue Coat Hospital Governors of any authority over the Erasmus Smith Endowments. There is no reason why they should ever have got that authority, and it is within the range of your Commission to withdraw it altogether from them. I would then submit that all the Blue Coat Hospital grant should be withdrawn; and that nothing should be left to Trinity College except the Lectureships, the Professorship in Hebrew and the Fellowshipships. Another point on which the Lord Justice has touched is of great importance and I wish to refer to it briefly. It is, that at the time of Erasmus Smith there was little or no difference between the Presbyterians and the Episcopalian Protestants. Now I submit that history tells us that there was the greatest difference because the Presbyterians of England and Scotland offered to retain King Charles the First if he would abolish Episcopacy, and take the Covenant, he refused to do that, and lost his Crown and his head.

503. Mr. Justice O'BRIEN.—The Presbyterians were then Royalists in Ireland for the most part.

Rev. D. HUMPHREY.—One other point. I am afraid that if I were to ask the Vice-Chancellor for the names of the pupils attending at Harcourt Street School, and how many of them are free pupils he would not tell me.

The Vice-Chancellor.—Indeed I will, if you like.

504. Lord Justice FITZGERALD.—We have it. The total number of pupils is, in round numbers, 300; and the number of free pupils has been for a long time twenty. They are elected.

Rev. D. HUMPHREY.—As to another matter of fact I said yesterday that there were only twenty boarders in Tipperary School. Mr. Carson said that only fifteen out of that School went in for the Intermediate Examinations. That would go to show that there is a spring tide in Harcourt Street, whilst there is low water in Tipperary.

505. Dr. TRAINE.—As to the transfer of the school boys from Ennis to Tipperary, I asked Mr. Gray, the Inspector, for the name of every single boy, and got them, and not one boy went from one of these places to the other. There was no transfer of boys from Ennis to Tipperary at all.

Rev. D. HUMPHREY.—I say that they were increased in the other three Schools of Tipperary, Galway, and Donegal.

506. Dr. TRAINE.—You said yesterday that when the School went down at Ennis, the School suddenly went up fifteen at Tipperary, and that if it was not done directly it could be done by the Governors through the post. I asked you for your authority for that, and told you at the time that I was in a position, from my own knowledge, absolutely to contradict your statement, and I do so again now.

Lord Justice FITZGERALD.—I will only observe that this discussion does not come out of the two minutes, and we must now call on Mr. Wright.

Mr. WRIGHT, Q.C.—I shall now address the Court as briefly in reply as I can; but having regard to the fact that this has been a very long and protracted inquiry, and I may state also, a very exhaustive and patient one, and having regard also to the number of documents that have been referred to, and the variety of

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interests and all that, I fear that even at this late stage of the evening I must occupy the Court for some time. I cannot express the position that the Governors, whom I appear for, take, better than it is expressed in a document which I shall read for you, using his language as if it were my own. I read from the protest of the Standing Committee of the General Synod of the Protestant Church of Ireland, printed at page 2 of the Appendix :-

" We protest against the alienation of this endowment to any other objects and uses than those for which it was intended by the founder as recognised in the Charter of Charles the 2nd, and the subsequent Acts of Parliament, under which they have been maintained from the date at which those schools were founded down to the present day."

The great question—apart from the minor questions which have been argued before you for the last three or four days—has been this : has a particular religious character been impressed on these Schools by the founder, and has that character been maintained down to the present day in accordance with carrying out the intentions of the founder ? There are two sets of objections to that—one is the Presbyterians—or I should rather say there are two bodies, the Presbyterian and the Methodist bodies, the Presbyterians being represented by Mr. Dodd and Mr. Brown, and the Methodists being represented by a very able gentleman, Dr. Nichols, who stated his views very shortly, clearly, and ably ; and there is the Catholic body who have been represented by the Rev. Mr. Humphreys. I cannot help, as a counsel of aged many years practice, being struck by this, that in the original hearing before the Commissioners, the claims of the Catholic body were put forward by two counsel—a senior and a junior. It strikes me as somewhat curious, that in a matter involving such important issues as this, not merely as regards the amount of money involved—£5,000 a year—though that is a small matter comparatively, but of such importance as regards the principles involved, the Catholic Body have not thought fit to employ counsel or solicitor to put forward legally their views.

Mr. Justice O'BRIEN.—You are wrong in that.

Mr. Wright—I am entitled to make the observation.

Mr. Justice O'BRIEN.—I think you are not. It is not a matter of the least consideration, in my opinion, that gentlemen of the Bar are not here. I would form the same conclusion whether they are here or not.

Mr. Wright.—I have made the remark, and I don't withdraw it.

Mr. Justice O'BRIEN.—It is not a legal one, and it is not a reasonable one. If it suggests any want of zeal on the part of those for whom Mr. Humphreys appears—

Mr. Wright.—He appears for a particular locality—his parish is somewhere in Tipperary. I suggest this as the fair inference from the absence of persons of legal training to argue the questions of law and evidence before them, that the matter having been debated and discussed, and documents that they had not access to before having been submitted to them, the Catholic Body, as a body and a community, were satisfied that they had no claims.

507. Mr. Justice O'BRIEN.—Your observation, in my opinion, is entirely irregular and unreasonable, and has no application at all. This Scheme is prepared on the results of the evidence, and must be taken as it stands and on its merits.

Mr. Wright.—It is a Draft Scheme—that is all it is at present—and that body, as I have said, don't come forward by counsel or solicitor to argue the advantages that the Scheme proposes.

508. You might make the self-same observation as regards Mr. Nichols,

Mr. Wright.—The Methodist Body at the first hearing were not represented by counsel, and they

afterwards adopted the position of the Presbyterians. They are numerically small compared with the great Catholic population of Ireland—great, I mean, in numbers. To pass from that, I submit to this Court that a distinctly Protestant character has been given to this Charity and funds from the very beginning, and has been preserved down to the present day. The Methodist Body, by the Rev. Mr. Nichols, put forward their claims to-day, and they say that it is distinctly a Protestant Foundation and Endowment, and that Erasmus Smith was an enthusiastic Protestant. The Presbyterian Body, by Mr. Dodd, have not taken up exactly as strong a position as that. Mr. Dodd, would not, as far as I could understand from what occurred, last evening and this morning, pin himself to this—that he demanded this Endowment for Protestants and Presbyterians only; but the Rev. Todd Martin, the Convener of the Committee, by a document of the 9th of September in the present year, puts forward the following principles on the basis for an Amended Scheme :—

" The Endowment is an educational foundation having distinct and declared religious aim, and the intentions of the founder, having regard to the religious character of the instruction, should be respected by the reading of the Scriptures, prayer, and the teaching of the doctrines contained in the Westminster Catechism and that of Archbishop Usher in all the Schools admitted to the benefit of the foundation, and the administration of the funds should be committed to a Board of Governors in sympathy with the religion of the Founder, and on this Board that members of the Presbyterian Church, being the Body most completely in accord with the doctrines of Erasmus Smith, should have their due place."

That was a minute throwing over Mr. Dodd's expression of the views of the Presbyterian body, that Presbyterians and Presbyterians only should be represented on the Board.

509. Mr. Justice O'BRIEN.—Mr. Dodd expressed the same views.

Mr. Wright.—The Rev. Mr. Humphreys, on behalf of the Catholics, contended that this fund ought to be given to found Intermediate Schools, to be governed by a mixed body, and that the funds should be applied for the purpose of Intermediate Education. The whole argument of the Catholic body, from beginning to end, with which I shall deal first, for we submit that they have no claim whatever, and never had, and cannot have it now, to this fund—their whole claim as far as I understood, from the very clear argument of Mr. Carson, and the very clear argument, as far as I was able to hear it, of the Rev. Mr. Humphreys, was that education was the object of Erasmus Smith—the education of the tenants' children on the estate, and of the children of the poor people living within two miles of the place, and that religion was a secondary object altogether in his mind. We are now, at the end of two hundred years, inquiring into the mind of Erasmus Smith and his intentions. We can only do this by what he did and what he wrote. The Catholics, by their counsel and by the Rev. Mr. Humphreys, never go beyond the Deed of 1657. They always confine themselves to the Deed of 1657, contending that by that conveyance the tenants' children and the poor children within that short radius or distance from the Schools were the objects of his bounty, and that what he wanted to give them was free education ; and the argument of their counsel and others is, that the foundation has been diverted to a different use. I respectfully submit to the court that it is perfectly plain from the beginning to the end of the matter, and from every document in the case, that what was in the mind of Erasmus Smith was religion—the propagation of the Protestant religion. That appears by the Deed of 1657. But it is right to remember the subsequent Letters Patent of 1657 and the Charter of 1659. The conveyance of 1657 was never acted on. Seven years was the time within which the Letters Patent were to be applied for. If those

Letters Patent were not yet got the lands would revert; under a clause of the Deed of 1657, to Erasmus Smith. That Deed never was acted on, so far as there is any evidence now in existence to show. Accordingly in 1664, those lands would have reverted to him. He was an absolutely free agent. It is said that he acted under the compulsion of the legislature, or the state at that time. But he was an absolutely free agent to do what he wished with his lands or any other property that he had. And this is noticeable that in the Letters and the Charter no reference is made to the conveyance of 1657 : and what I submit is,—and I think I can prove it by the documents to which I shall call the attention of the Court—that the Charter of 1669, was a new departure and was looked on by Erasmus Smith as expressing his ultimate and final intentions without any reference to the original Deed of conveyance of 1657. This is going rather into the second branch of the case, as between the Protestants of the Church of Ireland and the Presbyterians: but that I submit to the court is, that the primary object of the Deed of 1657 was religious. Erasmus Smith was an adventurer who trafficked in Irish land, and, I suppose, got debentures on Irish land, which were satisfied by giving him grants in Ireland. The year 1657 was not long after the rising of 1641, which, rightly or wrongly, in these days was looked on, and by some historians has been said to be the work of the Papists—Froude says it was: Prendergat says the contrary—but at all events it was then looked on as the work of the Papists. What was in Erasmus Smith's mind was to guard against the recurrence of that, or anything of the kind. As the Rev. Mr. Nichols has well said, the moral state of Ireland at that time was bad. Erasmus Smith wanted to guard against that: and what was in his mind was this, that the cure for the evil was to propagate Protestantism. And what he intended to do, but did not do under the Deed of 1657, was to set up schools to which the children were to come; and whatever they came in as—Protestants, Papists, or anything you like—whatever they called themselves, when they came in, his intention was that they should conform to and be taught the Protestant religion, and leave the Schools Protestant. You will observe that by the very Deed of 1657, on which so much reliance is placed by everyone, all that is done is to devote to the founding and maintenance of these Schools a sum of £300 a year, a sum which the revenues of the lands during Erasmus Smith's lifetime entirely exceeded. And also when the Scholars were there they were to be taught the Catechism published and set forth by the Assembly of Divines; and the Masters were every Lord's day to examine them or some one of them in the presence of the rest, and expound to them the Catechism or some part thereof, as well for the benefit of the scholars as for the instruction of all others who desired to be present, in the Schools or in the Church. That what these children were to be taught was the Protestant faith, and that they were to be taught it in the Schools, and that they were to be taken to the Protestant Church is perfectly plain, under the Deed of conveyance of 1657. As I have stated, that Deed was not acted on. The vital document, as I shall proceed to show you, is the Charter of 1669. It is said that Erasmus Smith was not then a free agent; that he was in difficulty about his lands. In 1662 the Act of Uniformity passed. In 1657 he got the Letters Patent; and in 1669 what is called the Charter of Erasmus Smith's Schools was obtained. That Charter was granted to Erasmus Smith on his own petition. All the Governors named in that Charter were members of the then Church of Ireland. It is said—and this as I understand, is the main argument of the Rev. Mr. Humphreys—that the main object of the founder was to provide free educational advantages for the tenants' children and the poor children of the estate. Let me call your attention to this. A sum of £300, and no more

than £300, was to be expended for that purpose; and whenever the income of the lands exceeded that sum it was to be applied in certain ways which are set out in that Charter. Whenever it fell under that sum the expenses of the Schools were to be cut down in a certain way. But the expenses of the education of which the poor children and the tenants' children were to have the advantage, were never in any event to exceed £300. It is said that the object was to provide free education for the children. What more is done by the Charter than to give this particular class certain preferences over the others, namely, that they were to get the education free instead of paying for it; but they were to get it on one condition—as appears in the Deed of 1657, the Charter of 1669, the letters of 1662, and the rules of Erasmus Smith—the one indispensable condition of conforming to the Protestant faith. That is certain. Now it is said that we are to judge of the object that Erasmus Smith had in his mind, and whether he had two; and, if he had two, which was the predominant one in his mind. Any number of children might be admitted into the Schools; and the tenants' children were to have a preference if they conformed. Poor children to the number of twenty were to have the same advantage. These children were to be taught by Protestant Masters; and the Protestant Masters were to subscribe to the Thirty-nine Articles of the Established Church of England and Ireland, and they were to take the Oath of Supremacy and acknowledge that the King was the Head of the Church. They were to be approved of by the Bishops and Archbishops of the respective dioceses, and they were to teach the children the Catechism of Archbishop Usher, the Primate of the Protestant Established Church. Erasmus Smith takes this grant; and I don't know that this Court has any authority, either in law or in fact, to presume that, in taking a grant for which he applied, he wasn't a free agent, and was taking something that he was unwilling to get, or that was repugnant to him. He was made Visitor of the Schools, in his lifetime; and on his death, the Governors who were appointed by himself to succeed him, took power to make any rules that were "not repugnant to any of the ecclesiastical canons and constitutions of the Church of Ireland that should then be in force." So that Protestant Masters were to teach the boys—they were to teach them the Protestant Catechism—the Masters themselves were to be approved of by the Protestant Archbishop and Bishops—the Governors, when Erasmus Smith was dead and gone, were to make rules, but in no particular were these rules to infringe on the ecclesiastical canons and constitutions of the Church of Ireland. And when the pupils left the Schools what was to become of them? They were to be apprenticed to Protestant Masters and to be sent to the Great Protestant University of Ireland—Trinity College. One of the first things we find is, that in 1661 or 1662, when some Master had left a school, and was to be replaced, Erasmus Smith writes to the Provost and Fellows of Trinity College to send him down a Scholar. Accordingly, at that date—and these are facts that there is no gainsaying—as no one could be admitted to the University of Dublin who was not a member of the Church of Ireland as then established, they were to be taught by a man sent down from Trinity College, who was a member of the Church of Ireland—they were to be taught according to the rules of the Church of Ireland and in the Catechism of a member of the Church of Ireland—and when they left school they were to be sent out to Protestant Masters, and any that were fit for the higher education, were to be sent up to Trinity College, Dublin, which they could only enter if they were members of the Church of Ireland. One matter that I think has not been sufficiently attended to is this—the intimate connexion, as appears in all these documents, between what Erasmus Smith was doing in founding these Schools, and Trinity College, Dublin.

Ques. M. D. W. I respectfully submit that Erasmus Smith's object was to propagate the Protestant Religion by founding Grammar Schools which would give a higher education that would enable boys to go up to "T. C. D." You will find, still through the Deed of Conveyance of 1657, the boys, if they are fitted for Trinity College, are to get these exhibitions of £10 a year for four years. The Charter of 1659 says:—

"To the end, the good and pious intentions of the Founder may, in all things, be preserved as much as is possible, we have also thought fit at the humble petition of the said Erasmus Smith to signify and declare further that we do will appoint of these rules, orders, and constitutions following, viz.:—"

The Charter then goes on to say that the Masters are to attend exclusively to the Schools, and that the twenty poor children, living within the two English miles, are to be taught free, and that the tenants' children are to be taught free, and that the Masters of the Free Schools shall teach—

"All such children as shall be found capable thereof to read and write and cast accounts and shall instruct them in the Greek, Latin, and Hebrew tongues, and fit them for the University if they, their friends, or parents shall so desire."

Now I ask the Court to consider this. That University was closed to Roman Catholics at that time—was closed to Dissenters at that time. What is the meaning of saying that the ultimate object of the School is this, that the Master is to teach such as are susceptible of higher education the Greek, Latin, and Hebrew tongues, and to send them up to a University the portals of which would only be open to them if they were members of the Established Church? What is the meaning of that? Does it mean that these were Protestant Schools of the Established Church or does it not? Does it not mean the same as that to which I am working down, the letter of Erasmus Smith of 1682, in which he declares under his own hand, what this Court has been speculating about, namely his intentions? I have stated that only £300 is by the Charter dedicated to what I may call the poorer class of Schools for the tenants' children and the twenty poor children living within two miles of the School. That is certain, as appears from pages 14 and 21 of the book of the Statute. The Charter, at page 14, provides what is to be done if the rents exceed a certain annual amount. At page 21 the Charter provides what is to be done in case the rents fall below a certain amount. At page 14 the Charter says that in case the rents should come to a greater yearly value than formerly—without specifying what the yearly value is, but I take it at the sum of £300—the increase was to be employed in maintaining—

"More and other scholars to be placed in the said Schools, or to the further augmentation of the allowances of those persons that, for the time being, shall be in the said Schools, according to the true intent and meaning of these presents, and as far as may consist with such further declaration touching the employment of the surpluses as is hereinbefore mentioned."

During his lifetime the two events happened. The Rev. Mr. Humphreys said that these Schools don't serve the purpose for which they were intended, namely, the education of the poor tenants' children, because he says, the Catholics won't send their children to them. You will see in a moment that when one of these events happened in Erasmus Smith's lifetime he was in no way deterred by it; and it is perfectly plain from his own act that the education of the Catholic children was not the dominant object in his mind. The conversion of them into Protestants—the keeping of such of them as were Protestants, Protestants, and the making of such of them Protestants as were not Protestants, if they came to the Schools. Education was only the means to that end, but the end was

the propagation of the Protestant faith. The other event that happened in his lifetime was, that the income of the Schools, which was about £300 a year in 1657, undoubtedly exceeded that amount. And power is given by the Charter to Erasmus Smith to spend the residue of the revenue over £300 a year in a certain way. Again the Protestant character and Protestant end and object of the institution are plain from what is provided at page 23 of the Charter. He was a free agent at the time, and he took power to appoint the residue of the rents and profits over £300 a year in a certain way, viz.:—

"One full moiety for the binding out of poor children as apprentices to and under such Protestant Masters as the said Governor or any seven or more of them, whereof the treasurer, for the time being, is headwary and, shall think fit, . . . . and the other moiety of the revenue, as well during the leases, as after the expiration thereof, shall be applied to such other charitable uses as the said Erasmus Smith, by way deed in writing, or by his last will shall appoint."

Therefore the power that Erasmus Smith took it is, dispose of what was over the £300 a year.

**319. Mousaigor Molloy.**—You have passed one clause—"That the children of the tenants of the said Erasmus Smith be preferred before the others."

**Mr. Wright.**—I am quite aware of it.

**311. Dr. TRAILL.**—That was, that they were to go under Protestant Masters.

**Mr. Wright.**—"That the children of the tenants of the said Erasmus Smith be preferred before the others"—that is, in respect of binding them to Protestant Masters. I will satisfy the Court in a moment that that privilege was never availed of. But the children were not specially provided for at all. They were to get one advantage on a condition that they would convert except, namely, the swallowing of Protestantism. I am sure that the Father Humphrey of that time told them that they would find immortal souls if they went to the Schools.

**Rev. D. Humphreys.**—Yes.

**Mr. Wright.**—And world to-day. Ireland has changed. There is the same unwillingness to renounce Protestantism. There was as much bigotry then as there is now.

**Rev. D. Humphreys.**—The Catholic faith hasn't changed.

**Mr. Wright.**—The Catholic children never went to the Schools; and with the knowledge of that, he, his petitioner to King Charles the Second, took power to devote one moiety of the surplus to binding them to Protestant Masters. I found an argument on that, and it is this—I say that Protestantism was the predominant object of his mind. He could control his religion, while they were at school by getting them under Protestant Masters, and making them learn the Church Catechism, and making them go to the Protestant Church. He wished to retain control over them after they left the Schools, and he kept the power to himself by providing that they should be apprenticed, after they went out into the world, to Protestant Masters. If they took the higher education they were to go to Trinity College; and if were to go Exhibitions there, but they could not get them if they were Protestants and members of the Established Church. Can anything more clearly show that the dominant idea in the man's mind was religion, and that education was only a means to that. The "other moiety" of the surplus, rents and profits, he taken power to apply to such charitable uses as he should by deed or will appoint. I think it was Mr. Doidy who asked yesterday whether Erasmus Smith ever tried if that provision was effectual in law or not. I don't know; nor is it material, for the evidence of his intentions is the same. He tried to carry that out by the Deed of the 20th July, 1680, whereby he appointed the remaining moiety of the surplus of the rents and profits over this £300 a year to Christ's Hospital, London.

Was Presbyterian still the dominant feeling in his mind? What occurs in that Deed?

—Also that the Governors—*that is*, the Governors of Christ's Hospital—“do yearly and every year, settle such allowances as may encourage a grave and learned and strict divine to teach the children harboured in the Hospital, by commanding to them on three days of the week, Sunday, Thursday, and Saturday, publicly in the Great Hall of the Hospital one of the Catechisms herein-after mentioned, *viz.*, Archbishop Usher's, Dr. Ball's, Perkins', or the Catechism set forth by the Assembly of 1662, together with the Catechism allowed by the Church of England.”

That is—on the second branch of my argument—the teaching of the Church of England Catechism was compulsory, but the Governors had the power of selecting out of the four others.

512. Mr. Justice O'BRIEN.—The words “together with,” I think, are mere words of enumeration, taking into account what he himself afterwards says; because he says that a “variety of Catechisms interferes with a person's religion.” Therefore, he intended that they might take their choice of any of them.

Mr. Wright.—Why did he say “together with” instead of “or”?

Monsignor MORLOT.—It strikes me that his view was, that as they would be compelled to learn the Catechism of the Church of England, he wished that they should also learn one of the others, as a sort of alternative.

513. Lord Justice FITZGERALD.—The material question is, whether, and how far the provision shows my desire to recognise the Established Church. It seems to me that there is a great deal to be said in other view against exclusiveness. If the construction is, that amongst the Catechisms which may be used, the Catechism of the Church of Ireland is but one, that gives four others as alternatives. But if it means that whenever they used the Church Catechism they were to use another along with it, that rather amounts to saying—“you are not to use the Church Catechism undiluted.” According to one construction you may take your choice between the Catechisms, according to the other you must not use the Church Catechism by itself.

Mr. Wright.—It means that they must be taught the Church Catechism in any event.

514. Lord Justice FITZGERALD.—If you put that construction on it, they never must have the Church Catechism alone, and with it may teach the Westminster Catechism or any one of the others.

Mr. Wright.—They must be taught the Church Catechism.

515. Monsignor MORLOT.—And another along with it?

Mr. Wright.—No.

Monsignor MORLOT.—“Together with.”

Mr. Wright.—But the truth is, that there was no conflict, at all events, between Archbishop Usher's Catechism and the Church Catechism. As to the other two, I know nothing.

Mr. Brown.—Dr. Ball was a Nonconformist.

Mr. Wright.—I have to call the attention of the Court to a correspondence that occurred between Erasmus Smith and the Governors, in reference to the Deed of Appointment of his, which, I say, taken with all the other documents, shows that the dominant motive in his mind was the maintenance and spread of the Protestant religion.

517. Lord Justice FITZGERALD.—I have been looking over the Minutes, and I find that during the period of trouble a large amount of arrears accrued. The Ecclesiastical fell into arrear. But the Governors always had some well-to-do tenants whom they made to pay up. The rental is set out in a Minute of July 15, 1663, when the troubles were over. The total rental then was £557 17s. 6d. a year; and the payments are set out at £589, so that from a very early date there was a surplus.

Mr. Wright.—I was about to call your attention to the letter of Erasmus Smith, of the 6th August, 1681. It is a letter written by Erasmus Smith, in answer to a letter of the Governors, that being a letter in reference to this very Deed of the 21st July, 1663, whereby he appointed half the surplus rents to Christ's Hospital. The Governors wrote saying that they had taken the opinion of the Solicitor-General, and that the appointment was bad.

518. Mr. Justice O'BRIEN.—And that they disputed his power to do it. He took the English opinion. He did not care much for the Irish lawyers, but their opinion was ultimately acquiesced in.

Mr. Wright.—For my purpose it is immaterial who was right, or whether the Deed was good or not. Good or bad, it is evidence of his intentions. The importance I attach to this letter is as to Erasmus Smith's standpoint then. He was advised by his counsel that the conveyance of 1657 was the same as if it had never existed—that it was gone—and that the final record of his intentions was the Charter of 1683. He says in his letter that the Letters Patent declared the particular trusts and uses confirmed and discharged of all demands other than what are in the Letters Patent. The contention of Father Humphreys and Mr. Carson was, I won't say entirely, but almost entirely founded on the Deed of Conveyance of 1657, on which nothing had been done; and that such prominence is given in it to the tenants' children and the other poor children that they were the main objects of his bounty, and that he was to give them free education. His position in the letter is—I have nothing to do with the Deed of Conveyance. It is dead and gone and abortive. What I am concerned with is the Charter. The Letters Patent being an explanatory act are confirmed, and discharged of all demands, other than what are reserved in the same Letters Patent. The Governors had written to him to say that they did not see the use of his applying this moiety of the surplus rents and profits, saying that there was no surplus. Erasmus Smith writes back to say that there is a surplage of revenue beyond what the Charter and the Letters Patent provide as is evident by the rent roll and the accounts transmitted. At that time the £300 a year had been exceeded and—as Lord Justice FitzGibbon read out—the income was about double that.

519. Lord Justice FITZGERALD.—The amount of the arrears at November, 1668—which were refundable a good deal to the trouble of the time—was £363 odd, and the rental then was about £600. There was not much difference between the rentals of 1668 and 1653.

Mr. Wright—I wish to call the attention of the Court to a couple of documents—I dare say they have been under the notice of the Court—to bear out this. The Catholic children never used these schools, and that was a fact known to Erasmus Smith. Your lordships will find in the minutes of evidence taken by the present Commission, the following:—

“That the Schoolmaster in Galway be written to that he do not refuse the School to the children of the founder's tenants, though the children be Papists, provided they conform to the rules of the School.”

It is plain that the Schoolmaster, who had been probably sent down from Trinity College, was not letting in any Papist boys at all, and that he was told to let them in provided they accepted Protestant teaching.

520. Mr. Justice O'BRIEN.—So that they conform to the rules?

Mr. Wright.—“So that they conform to the rules of the mild School.” It is about the same time—1660—in the next page of the report, page 296 of the same volume, the following minute is set out:—

“We have also inquired into the state and condition of the Schools at Drogheda and Galway, and have found that notwithstanding there are Schools set up, very few children are taught there, by reason of other Schools

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being permitted in those parts, and those of the Popish religion, will not suffer their children to be educated in those Schools, nor by the Schoolmasters, which cause is a discouragement to them, and will in a great measure render the charity of the donor, and the cost of maintaining the Schools inefficient, if not prevented. We, therefore, propose that some effectual way be taken to the end that none be permitted to teach grammar in or near the towns of Drogheda or Galway but what is taught in them Schools, without which the object of your Schools will be frustrated."

521. **Monsignor Mervoy.**—These were the "sackors that starved the tree."

**Mr. Wright.**—Undoubtedly. In Erasmus Smith's time the tenants never sent their children to his Schools. That was a fact that was well known to him.

522. **Monsignor Mervoy.**—They founded schools of their own.

**Mr. Wright.**—Yet their cry now, two hundred years afterwards, when the same state of things is continuing, though they never used the Schools, and though Father Humphreys says he will never let a scholar into them to be under a Protestant master—

**Rev. D. Humeplly.**—I don't say that altogether.

**Mr. Wright.**—Their cry is that all is to be changed now, though the same state of things is existing now that existed then. I come on now to the smokers. I have brought you to 1680. It is plain that then the Roman Catholic children would not go to the Schools.—The Governors reported, as appears by their Minutes, that very few would attend them.

523. **Lord Justice Prendergast.**—The Minutes is rather a curious commentary on the argument that no other Schools were by law permitted to exist at that time.

**Mr. Wright.**—They existed although they were not allowed by law—plenty of them. I come now to the letter of Erasmus Smith, dated the 6th of June, 1682. The extract that I have read prove that the Catholic boys would not go to the Schools and that the attendances at them were consequently very small. Two courses were open to Erasmus Smith,—either to let them in and relax the rules as to religion,—that is Protestant—training, or to keep them out and enforce these rules. What does he say in the letter?

524. **Mr. Justice O'Brien.**—I should say to keep them in and enforce the rule; to stop the sackors, bring them back and enforce the rule.

**Mr. Wright.**—That's one way. The letter says—"If parents exclude their children because prayers are commanded I cannot help it, for to remove that bar is to make them seminaries of Popery." These are the words of a man of whom it is said that Protestantism was not the dominant feature in his mind. And therefore the letter went on—"I beseech you to command him that shall be presented and approved by your honour to observe them who decline those duties and to expel them."

**Rev. D. Humeplly.**—They were not there to be expelled.

**Mr. Wright.**—Erasmus Smith says in effect—I know the attendance at the School is small because the Roman Catholic children won't come; I won't relax my rule; if they come they must conform, if they don't they must be put out. Every document that is in existence and that has been stated in the case is a document passed by a man who, as the Rev. Mr. Nichols well said, was an enthusiastic Protestant, and who wanted to enforce and maintain, and as he said himself, propagate that religion. What are the rules that Erasmus Smith laid down to be enforced? Are they rules for education or rules for religion? I would suggest that his idea was to catch them young, and make them Protestants. If they swallowed Protestantism—it might have been unavoidable but it would have

been very wholesome for them—they were to get the education gratis. If they did not choose to receive this unpardonable but wholesome medicine they would not get the education; and if they came in and did not conform, they would be turned out. But what are those Rules? "Laws and directions given by Erasmus Smith under his hand and seal for the better government of the Public Schools lately founded by him." These are the Rules to which, by that Name, the date of which I cannot give you, the children were directed to conform—"Though their children be Papists admit them so that they conform to the rules of the school." The Rules, after stating that the Schools are founded as Free Grammar Schools for the benefit of the children of the tenants of the Corporation, and of the inhabitants residing in and about the town where the Schools were situated, and of the treaty children resident within two miles, go on to say that the children are to be instructed in Latin, Greek, and Hebrew, according to their respective capacities; that they are to be fitted for the University; if the parents and friends desire it; and that often of them are to be taught to write and cipher so that they might be fit for trades and other occupations. There is a further encouragement in the Rules for the poor children in the shape of clothing while they remain in the School, and pensions are provided for those that go to the University; provision is also made for those that go out as apprentices; but is only to be got by those who are bound to Protestant Masters. None are to be admitted to Schools except but such as are of the Protestant religion. The Master is to read a chapter out of the Canonical Scriptures; and he is to pray with them at night. He then says that the weakness of children is such that many varieties of entertainments confound their understandings; and he directs that the Masters are to catechise in the Lord Primate's Catechism. The Ushers may teach the children of the tenants to read and write and cast accounts, as many of them as the Master shall judge will not prejudice their attendance at the Grammar School. Every scholar is to be sensible gives due respect by uncovering his head to all persons, especially the Governors of the School, the Magistrates and Ministers of the place, and the Master and Ushers of the School. They are to be taught by Protestant Masters—they are to be taught the Protestant Catechism—the Master is to pray with them at night—they are to pay proper respect to the Ministers of the place—and when they leave they are to be apprenticed to Protestant Masters, and to go to Trinity College, Dublin. Is that a Protestant training, or is it not? In this famous letter of the 6th June, 1682, Erasmus Smith in the early part of it says—

"I humbly request that it may be commanded in the Proveost and Fellows of Trinity College, Dublin, to present to your Honour a fit and qualified person in the room of the late Master of Drogheda School."

To sum up—in this document, which is probably the most important in the case, Erasmus Smith leaves no doubt whatever about his intentions. It expresses them as shortly, and precisely, and strongly as language could—

"My end in founding the three Schools was to propagate the Protestant Faith according to the Scriptures, avoiding all superstition, as the Charter and the By-Laws set forth establish and direct."

The Rev. Mr. Nichols has well studied the meaning of the word "superstition" as it was then used. The Commission is speculating on what Erasmus Smith's object or end was. His end was, as declared by himself, to propagate the Protestant faith according to the Scriptures, avoiding all superstition, as his rules directed. The Schools were only a means to that end. The training that the boys got in the Schools while they were there—the apprenticing them after they left to Protestant Masters—and the sending them to Trinity College, would, he thought, enforce the spread

of Protestants, keep as Protestants those who were such, and make Protestants of those who were not.

Mr. Monsignor MOLLOY.—What he prescribes in his letter is, that all children coming to the Schools shall conform to Protestant worship, and that if they refuse to do so, they shall be expelled; and further, if my Master does not carry out this instruction I shall be removed from his office. Will you allow me now to read for you what is proposed by the present Governor, whom you represent, with respect to that matter. They have submitted to us a scheme, with Mr. Carson has asked us to send up to the Privy Council, along with our own; and here is what they propose, Sec. 60:—

"The parent or guardian, or person liable to maintain, is having the school custody of any boy attending the School, who is not a member of the Church of Ireland, by notice in writing, addressed to the Head Master, an exemption for such boy from attending prayer and religious worship, or any lesson or series of lessons on religious subjects, and such boy shall be exempted accordingly."

Erasmus Smith said that he should be expelled. The Governors propose that he shall be exempted from the obligation of attending worship. How do you reconcile the proposal, which is the proposal of your clients, with the intentions of Erasmus Smith? I think you can only do it by saying that having regard to all the circumstances of the case, they thought it more feasible, in the interests of the trust, to carry out their purpose of giving education than to enforce the specific provision for a religious test. In other words you can only put aside the religious test of Erasmus Smith, as you propose to do, on the ground that it is necessary, in order to carry out the main purpose which he had in view.

Mr. Wright.—I think that clause is entirely unnecessary, and that it ought to be struck out.

Mr. Monsignor MOLLOY.—But we have been asked to send it up to the Privy Council, as representing the views of your clients.

Mr. Wright.—You can only send the Scheme up in its entirety.

Mr. Thatcliff, I think you will admit, is a dispartisan in the express instructions of Erasmus Smith.

Mr. Wright.—It is too liberal. The Privy Council decline to strike it out.

Mr. But the Governors did not depart from the intentions of Erasmus Smith merely for their own pleasure; they must have considered it necessary for the purpose of their trust, in view of the changed position of the times.

Mr. Wright.—I say, as counsel for the Governors, that this clause was entirely unnecessary. It is entirely too liberal, and goes too far. But certainly the Catholic party or body can't complain of it. It is a warped and clever argument for their purposes.

Mr. Don't suppose that I am complaining of it. I relied upon it, as a proof that, in the view of the present Governors, it is necessary to relax the religious test imposed by Erasmus Smith in order to carry out the main purpose of his endowment.

The Vice-Chancellor.—Such a thought never occurred to me.

Mr. Wright.—I think the Governors showed a little weakness in it.

Mr. I don't think the Governors are weak, especially a question of this kind.

Mr. Wright.—I mean that as a matter of argument, logic, and tactics, the Governors gave themselves away in putting in that clause.

Mr. I cannot admit that this is a question of tactics. The Governors hold a position of trust; they are bound by the intentions of Erasmus Smith, just as the Commissioners are bound by his intentions; and my contention is, that they have come to exactly the same conclusion on the matter as our Commission, namely, that in order to carry out the main purpose of Erasmus Smith's Endowment, it is necessary to dis-

pose with the religious test. Their Scheme sets aside the religious test just as much as our Scheme does.

Dr. TRAUNE.—It would not at all follow that to partially violate a person's intentions is the same thing as to violate them altogether. That's where the sophism is. It is necessary to give a conscience clause at the present day. That does not mean that you are to confiscate his property.

Mr. Wright.—No; but the Draft Scheme of the Commissioners is tearing up this Charter and everything else, and just making a new system.

Mr. Justice O'BRIEN.—The Commissioners have torn up a good deal already.

Lord Justice FRASER.—Nothing, so far as I am aware, except to give effect, so far as present circumstances admit, to the intentions of the founder.

531. Monsignor MOLLOY.—No doubt our Scheme ought to carry out the intentions of the founder; but circumstances have changed, and on account of the change in circumstances, in order to carry out his main purpose, we must depart in some particulars from the specific directions he has given. Your Governors have also departed from his specific instructions; and, therefore, I claim that, on this particular point, we have the support of their authority.

Mr. Wright.—If the Governors are wrong and if you are wrong, their going wrong doesn't justify you in going wrong. If the two Draft Schemes go before the Lord Lieutenant and the Privy Council, they will set the matter right. What I am arguing is, that the Draft Scheme of the Commissioners is wrong.

532. Don't you represent the Governors?

Mr. Wright.—Yes.

533. Then you ask us to send up to the Privy Council a Scheme containing that clause?

Mr. Wright.—Certainly; and the Privy Council can deal with it. You can only deal with it as it stands. Let it go up.

534. Dr. TRAUNE.—A conscience clause is not inconsistent with a Protestant Governing Body. The supposition that it is, is the fallacy that runs through so many minds. It does not follow at all.

Mr. Wright.—The appendix at page 5 says:—"An endowment intended for the free education of the poor has been diverted to the education of those who are comparatively speaking rich." I have tried to deal with that by saying that the class that Dr. Molloy alludes to, namely the poor class of tenants' children, have steadily, from the beginning, refused to avail themselves of it; that from the very beginning the fund that was devoted to them was only a sum of £300 a year; and that it has been a mistake all through to assume that, as regards the rest of the fund, the tenants' children were to have any exceptional advantages. From 1682 down to 1892 they were the poor children who were Catholics and who never would come near the Schools.

535. Monsignor MOLLOY.—You say that the only portion of the Endowment that was to go to the tenants' children was £300 a year. If you look at page 14 of the Charter, you will find that one moiety of the increment was to be expended in apprenticeship fees and in clothes, and that in that expenditure the children of the tenants were to get the preference.

Mr. Wright.—Yes, in apprenticesing them to Protestant Masters.

536. Monsignor MOLLOY.—My point is that the tenants' children were to get the preference.

Mr. Wright.—What were the intentions of the man in that? And are his intentions to be cast to the winds now?

537. Monsignor MOLLOY.—You must admit that he intended the endowment for the children of the tenants.

Mr. Wright.—On one condition.

538. Monsignor MOLLOY.—On condition of their becoming Protestants; I admit that. But my contention is, that as these two intentions cannot both be carried out, the question arises, which of them should be considered paramount?

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Mr. Wright.—Wasn't the one intention, and the paramount intention all through, Protestantism, and that the tenants' children, no matter how many they were, and no matter where they were living, provided they became Protestants, were to get the advantages of the Schools, and of the College, but that they were not to be entitled to any advantage except on that condition? You cannot split up his intentions. You cannot say that he intended to benefit the Catholic children of the poor tenants. You cannot do that. The benefit is to be given on a condition that is indispensable, and that runs through every line of the document.

539. Yes; on the condition that they should be Protestants; and your Governors propose to set aside that condition.

Mr. Wright.—Supposing for a moment that the Governors hadn't sent in that Draft Scheme, what was in Erasmus Smith's mind? Was it to benefit the tenants or a class, simplifier, by educating them, or to benefit them if they swallowed Protestantism?

540. I say that his paramount intention was to benefit the children of his tenants; and that if it be necessary in order to carry out that intention, the religious test ought to be dispensed with; and this clause in the Draft Scheme of your Governors supports my view.

Mr. Wright.—Apart from what the Governors have done now, what is the evidence of the founder's intentions? How are you to spell his intentions out of what the Governors have done in 1892, and out of the work of their draftsmen?

541. Mr. Justice O'BRIEN.—The Deed of 1657, and the Charter and the Patents are all indispensably connected with each other by many references and expressions and by their objects.

The Vice-Chancellor.—What has that to do with your Scheme?

542. Monsieur MORLOX.—You have asked me a question, and I will answer it. I have expressed my views fully elsewhere; but I may say briefly that the conclusion I have arrived at, from a consideration of all the documents in the case, is, that for the purpose of carrying out the main object which Erasmus Smith had, in founding this charity, it is now desirable to dispense with the religious test which he enforced; and I am glad to be able to support my view by appealing to the Scheme of the present Governors who expressly propose to abolish that religious test.

Mr. Wright.—How can clause 15 of the Governors' Scheme, made in 1892, throw any light on what Erasmus Smith meant in the years 1657 and 1658 and 1682? Mr. Justice O'Brien says that all these documents are to be taken together, and that there are a great many references in them to each other.

543. Mr. Justice O'BRIEN.—They are connected one with the other by references, not expressly, but by their objects and the identity of them, and by the nature of the whole of the Schools, and the existence of an enrolled Deed in the Chancery of this country.

Mr. Wright.—That is a very general way of expressing it. I have read the Deed of 1657 several times, and the Charter through, several times from beginning to end, and I say that you cannot find a reference in the Charter to the Deed.

544. Not in terms.

Mr. Wright.—That is what I mean by a reference to it; and it is for that purpose that I read the letter of 1882 expressly disclaiming all reliance on the Deed of conveyance, and saying that the Charter is what he relies on.

545. You are entirely wrong in that view. He contends for his right to appropriate the surplus according to the Charter, but he in no way repudiates the Deed of 1657. He claims the right to dispose of the surplus.

Lord Justice FITZGERALD.—The Charter makes that nothing had been done under the Deed.

Mr. Wright.—It was the particular matter under discussion at the time when he wrote the letter of 1681.

546. Lord Justice FITZGERALD.—I never have been able, on the question of Protestantism, to make out any difference between the Deed, the Letters Patent, and the Charter. All three appear to me in that respect to be alike.

Mr. Wright.—The argument of Mr. Carton—

Mr. Justice O'BRIEN.—Don't mind his argument.

Mr. Wright.—He put the case a little better in his lawyer.

Mr. Justice O'BRIEN.—You must deal with the case as it stands.

Mr. Wright.—He put it most admirably against me; and I was answering what I find here in the print, though Mr. Carton himself is absent. But the position taken up by Erasmus Smith upon the matter under discussion at the time the letter of 1681 was written was, that the Letters Patent declared the particular uses and trusts confirmed and discharged of all demands other than what are reserved in them. The reason I said there is no reference in the Letters Patent to the Deed of conveyance, and that I drew a distinction—if there is one—between the two is, that the whole strength of the argument on the side of the Catholics is in the Deed of conveyance of 1657, on which it is admitted that nothing was done. But taking them all if you like, and grouping them together, and by reference to the other, but not tending towards the same object, don't they come to this—"Protestantism is the indispensable condition of touching a penny of the funds that I have left." If that was not the intent of the founder then the English language is not worth very much. Erasmus Smith has tried, both in his documents and in short and pointed ones, to express what was in his mind when he says—"My end was to propagate the Protestant faith according to its Scriptures, avoiding all superstitions." I said that in my opinion evidence of the most important character had not been sufficiently dwelt on, namely the connexion that exists all through these documents. I mean all the documents in Erasmus Smith's hand—with Trinity College, Dublin. That connexion appears in the Deed of 1657 by which these Exhibitions are provided; it appears in the Charter of 1659 under which the boys are to be fitted for Trinity College, Dublin; and it appears in the same Charter of 1659 by which this Professorship of Hebrew is to be founded. Then shall he paid it says, for a Hebrew Lectureship, a sum of £30 a year; and such of the boys as are fitted to learn Latin, Greek, and Hebrew are to be sent to Trinity College. Trinity College, Dublin, was the exclusively Protestant institution. It was so I think, down to 1712,—no Catholic or Dissenter was allowed to enter it.

547. Dr. TRAHL.—Don't say "not allowed to enter." They were not allowed to take degrees.

Mr. Wright.—Erasmus Smith was setting up machinery which would educate boys up to a certain point and enable them to go up to college and get benefits from which their religion, it is said now, might exclude them. Mr. Justice O'Brien was just enough to say that there was one period—an intermission—when the Provost was a Catholic Friar, and that the College was never so well managed before it was then.

Mr. Justice O'BRIEN.—Certainly not.

Dr. TRAHL.—There was not a single pupil entered the College during that time.

548. Mr. Justice O'BRIEN.—It never was so well managed as during the time of that Catholic Provost.

Lord Justice FITZGERALD.—It never was so easy to manage if there were no pupils.

Mr. Justice O'BRIEN.—It was well managed financially.

Dr TRAILL.—We owe him one great debt. He preserved the Library when your friends were ready to tear it to pieces.

Mr. Wright.—The record in the College Calendar says that Michael Moore, a secular priest of the Church of Rome, was Provost, and that the College was occupied as a barracks by a portion of the soldiers; the Chapel was employed as a magazine; and many of the chambers were used as prisons for Protestants. That may have been the best way of managing the College.

547. Mr. Justice O'BRIEN.—That was the reason why a part of the place has been called Botany Bay. That is the Protestant account of it.

Mr. Wright.—They ought to be left to tell their side of it. It appears that Provost did not escape from the contaminating influences of the place, because he preached a sermon against the Jesuits, and consequently lost the king's favour and was expelled. The atmosphere was too much for him. I have so far dealt with the documents left by Erasmus Smith under his own hand and in his lifetime, from which it is perfectly certain that he gave the Schools a Protestant character, and that they continued so down to the time of his death, as Dr. Trull points out in his observations on the Draft Scheme, a proposition of law that would be acted on by every lawyer, viz., that we should not what was done by those who succeeded Erasmus Smith.

548. Mr. Justice O'BRIEN.—Don't say that every lawyer coincides with Dr. Trull's propositions. No sir.

Mr. Wright.—It is not because it is Dr. Trull's that I rely on it. It is Sir Edward Sullivan who says in the case of "The Attorney-General at the relation of the Commissioners of Charitable Donations and Bequests v. The Bishop of Limerick and others" (5th Irish Reports, Equity 403). The head note is—

"In the absence of express direction, the particular character of the religious instruction to be given in a charity school may be inferred from incidental expressions used in the regulations prescribed by the will of the founder, so long as such, if consistent with the instrument of endowment, ought to have great weight in determining the question of such instruction."

And at page 425, Sir E. Sullivan says:—

"This was perfectly consistent with the will itself, in, I think, of great importance, as showing that the view I have taken is correct, which view I was strongly inclined to take long before I had seen those documents. I entirely agree with what Mr. O'Hagan has said at the bar as to small weight used as to teaching the Protestant religion in the seventeenth century *per se* should have; but which ever is not merely consistent with the instrument of endowment, but almost required by it, cannot be dispensed; it must have its due effect. Lord Brougham in 'Attorney-General v. Smithies,' says: 'I speak not of a course of dealing with charitable funds in the absence of evidence respecting the original endowment or plain opposition to its provisions; but where the instrument creating the endowment is forthcoming, its construction may be aided by advertizing to a long and uninterrupted usage under it, and acquiescence in that acting.'

549. Mr. Justice O'BRIEN.—Nobody disputes that, where there is no other means of arriving at a person's intentions.

Mr. Wright.—In 1711, within twenty years of his death, we have the Rules made by the Governors of that time, and nothing in them is inconsistent with the Charter. They are absolutely consistent with what the Charter says they had power to do, namely, to make rules not inconsistent with the ecclesiastical canons and constitutions of the Church of Ireland: and they are absolutely consistent with everything that Erasmus Smith has left under his hand. I have to tell the intention of the Court very shortly to these Rules; and I respectfully say that from that time down to the present the exclusively Church of Ireland character of these Schools has been maintained. I

was wrong in saying 1711; the date is 1712. These Rules of the 12th July, 1712, say—

"That the following rules to prevent youths educated in the free schools of Erasmus Smith from tending, or containing Papists, be duly observed in each school."

That is almost in the words of Erasmus Smith expressing his intentions.

550. Mr. Justice O'BRIEN.—That implies that the Protestants had become Catholics. Such is the vanity of human expectations that out of the strictest sect of the Pharisees somebody comes!

Mr. Wright.—I suppose there were presbyters on both sides. The language of the Rules might have come from the lips or the pen of Erasmus Smith himself—to prevent them from tending Papists or containing Papists, the following Rules were to be observed.

551. Dr. TRAILL.—That looks as if they entered the Schools originally as Protestants and had a tendency to go back.

Mr. Wright.—Certainly. These Rules prescribe the most positive measures, for they direct that every person educated in the Schools shall attend service in the Church every Lord's Day, and shall be instructed in the Catechism, and brought by the Master or Usher to the Bishop to be confirmed. I don't intend to go through the different Acts of Parliament after that, but come on to the Statute of 1734, the 10th of George I., which is a legislative recognition of the Episcopalian Protestant character of the Schools. The intention of Erasmus Smith that those Schools shall work in conjunction with, and as preparatory Schools for Trinity College, is recognised by that Statute and is carried out. Erasmus Smith, by the Charter of 1668, gave £30 a year to found a Hebrew Lectureship. His devotion of some of the surplus funds to founding the three Junior Fellowships and the other Lectureships and Exhibitions has been referred to by Mr. Matheson. The only other Act that I wish to refer to is the Charter of 1838, of the 3rd and 4th year of William IV., which was granted on the petition of the Governors for a new Charter, and which gave them new and extended leasing powers, and in which the Governing Body are elected nomination, and power is given to them to co-opt; which means that members of the Church of Ireland would always be their successors and would always fill the vacancies. I therefore rely on the long continued practice, not only under the 1734 Statute, but also under the Statute of 1838; and also on what Mr. Jellett has already called the attention of the Court to, namely, Section 114 of the Municipal Corporations Act of 1840, the 3rd and 4th Victoria, Cap. 166, which provides that, on certain municipal offices being then opened to persons not members of the Church of Ireland, other Governors of Erasmus Smith's Schools than the Lord Mayor and two Aldermen of the City should be appointed. We thus have that Statute preserving what had been recognised as the exclusively Church of Ireland character of this institution for a century and a half. The result of two former Commissions was to find that that was, and had been always the character of these schools. Passing from that I submit that Erasmus Smith's first and paramount design was Protestantism, and that he impressed it on the Schools when he founded them; and I now proceed to deal with the masters which have been pressed by Mr. Dodd for the Presbyterians, and Mr. Nicholas for the Methodists. It is said that the word "Protestant" is to be used in a wide sense so as to include their bodies. It has been suggested by Dr. Trull that in 1667 and 1669 the Methodists, as a body, did not exist. The Presbyterians as a distinct church came into existence and had their origin after the Act of Uniformity in 1662.

552. Mr. Justice O'BRIEN.—Before that, I think.

Mr. Wright.—I say that as a Church, distinct

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from the Protestant Episcopalian Church, they did not exist until after the Act of Uniformity.

Mr. Brown.—They had a governing body.

Mr. Wright.—When a number of them refused to conform they resigned their benefices. Mr. Dodd called attention to the fact that in the original Deed of Conveyance four names are mentioned of Divines who did not conform in 1662. It is right to remark that in the Charter of 1689 every name put forward by Erasmus Smith is the name of a person who was a member of the Church of Ireland. The answer given to that is, that he was forced by law to do it—that he was not a free agent. It is always assumed that he was not a free agent, and the Court is almost asked to presume that because the law was in one direction his individual private prepossessions would be rather against the law than with it. Why should the Court come to that conclusion? Erasmus Smith himself was petitioning the King. He himself, we may presume, sent forward the names of the persons whom he designated as Governors; and he was himself at that time a perfectly free agent, and the lands were his own property and for him to do what he liked with. He takes the Charter; and why is it to be assumed that he was not free in doing that? In the Deed of Appointment of 1680, when he is dealing with the moiety of the surplus rents, what is the language that he uses? I have read it already for the Court; but you will observe the four Catechisms that he mentions, one of which he wished to be obligatory. What is the meaning of this language—"That the Governors shall settle such allowance as may encourage a grave, learned, and orthodox divine, &c." What is the meaning of "orthodox divine"? Does it mean a Nonconformist, or does it mean a member of the Church of Ireland and England?

563. Mr. Justice O'Byrne.—I would rather say that that was pointed against the Duke of York—that the word meant orthodox, as distinguished from his enemies, and not as distinguished from Presbyterianism.

Lord Justice Fitzgerald.—The words "orthodox" and "heterodox" in the English literature of the time usually refer to Established Church and Nonconformist doctrines.

Mr. Wright.—An "orthodox divine" does not mean a man whose doctrines were opposed to those of the Popists.

564. Mr. Justice O'Byrne.—It meant his "odoxy," and "heterodox" meant the other man's "odoxy." I think it meant a man of sound adherence to the Established Church.

Mr. Wright.—If the prefix "orthodox" does not mean an adherent of the Established Church, I don't know what it does mean.

Mr. Dodd.—"Orthodox" meant opposed to "Calvinistic."

Mr. Wright.—It meant "of the Established Church." I see nothing in a single document that Erasmus Smith has left under his hand to show that he intended to refer to any except members of the Established Church. One of the two Canons that the teachers who were to teach Latin, and Greek, and Hebrew in the Schools, and who had necessarily to come down from Trinity College, had to subscribe to was that relating to the supremacy of the King. I wonder did the clergy of the Presbyterian Church subscribe to that Canon?

Mr. Dodd.—Certainly, they had to do it under the Testimony Act.

565. Dr. Trelawny.—I think that Canon was aimed at the supremacy of the Pope.

Mr. Wright.—I submit that a Protestant character was impressed on the Schools, and that nothing was done in his time, or after his time, in any way to clash with that character, and that it has been maintained

for the last 200 years; and I say that the usage of those 200 years is of immense weight in construing and clearing up any ambiguity—if ambiguity there were, but there is none—as to the constitution of the Governing Body. It is, I submit again, a constitution exclusively of members of the Church of Ireland. So it has been for 200 years, and there is no reason now why it should be altered. At this late hour I don't think I should be justified in occupying the time of the Commission any further; but I submit to the Court that to deal with this foundation, which has been maintained so successfully for 200 years by a Governing Body of the Church of Ireland, in the manner proposed by the Draft Scheme, would be to divert the funds from the uses for which the funds intended them, and to subvert altogether his original intentions, and is a thing which this Commission has no power whatever to do.

566. Lord Justice Fitzgerald.—Kindly send us a copy of the Deed containing the reference to the four Catechisms. We also wish for copies of all the only Minutes that relate to the religion of the pupils. The great body of the Minutes relate to other matters; but there are Minutes of January 23, 1687, and November 7, 1691, relating to appointments of Masters, which I wish to have.

Mr. Justice O'Byrne.—There ought to be an opportunity of reading these minutes through, for it may be that these particular Minutes that the Lord Justice refers to are capable of being qualified and altered very much by other Minutes.

The Vice-Chancellor.—The Secretary of the Commission has had that book in his custody, and its free use of it for three months; but every facility that the Commissioners can desire shall be afforded for its inspection of every document.

Lord Justice Fitzgerald.—We have had the book in our own office for a very long time.

The Vice-Chancellor.—The more the documents are looked into, the better we consider it will be for us.

567. Lord Justice Fitzgerald.—The course we must now take is this. We are bound first to consider all the matters that have been presented at this Sitting. That we cannot do, with justice to the parties, until we have got the notes in a proper shape from the reporter. We shall then, as we have done in other cases, proceed to consider them with all care. If we are able to settle a Draft Scheme in which we can both concur, and which we can submit to the Lord Lieutenant, we will take the same course as in the case of the Royal Schools. We will repeat the existing Draft Scheme with the alterations on which we have agreed, and before signing it we will give the parties—as we did in the case of the Royal Schools—an opportunity of seeing the Revised Scheme, and of submitting such observations upon it as they may think proper, without reopening anything that adoption of that Revised Scheme would show us have decided. This course, in the case of the Royal Schools, resulted in a reduction of some forty objections to seven that were ultimately raised before the Big Council. If, on the other hand, an event should occur that has never yet occurred, namely, that the two Judicial Commissioners cannot concur in any form of revised Draft Scheme, we will appoint another occasion on which we will publicly state the considerations at which we have arrived, with such reasons as we may think fit to give. I should like to add, for myself, that the view I take of our position is that it is a judicial one, that our opinions ought to be dealt with as judicial opinions, and that they should be expressed in a responsible and considered manner before the public.

The inquiry then concluded.

## PUBLIC SITTING—SATURDAY, NOVEMBER 19, 1892.

At the Office, 28 Nassau Street, Dublin.

Nov. 19, 1892.

Present.—The Right Hon. Lord Justice FITZGERALD, Judicial Commissioner; and the Right Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILE, Esq., LL.D., M.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

The Secretary, N. D. MURPHY, M.A., and the Assistant Secretary,  
F. REDMOND, B.A., were in attendance.

## BATHMINES TOWNSHIP SUNDAY AND DAILY SCHOOLS.

The following members of the School Committee were present.—Rev. S. M. HARRIS, M.A.; J. E. O'ROURKE, M.A., M.E.; G. T. B. VANSTON, LL.B.; J. P. SMITH, Hon. Sec.

MR. LORD JUSTICE FITZGERALD.—We have got an application for a Draft Scheme for your Township Schools, and we have thought it well to appoint this

public sitting to learn the details of the Endowment of the Schools and of the proposals which you desire to put forward.

Mr. Joseph P. Smith, sworn and examined.

MR. LORD JUSTICE FITZGERALD.—How long have you been Secretary of the Schools?—For the last sixteen years.

What is the Governing Body?—It consists of five trustees and fifteen elected members as a committee of management.

By whom are the fifteen elected?—The Subscribers of ten shillings and upwards have the power of electing. Notice is always given of the election—they like to appear they do, and if they don't appear it is done by those Subscribers of ten shillings and upwards who may be there.

Is there any fixed time for holding the elections?—The second Tuesday in July, half-past seven o'clock, at the Township Schools.

How are the trustees appointed?—In case of the death or resignation of any trustee, the committee, by giving a week's notice, can elect from amongst themselves another trustee to fill his place.

What was the original commencement of the Institution?—The commencement of the Institution was really the feeling that a school was wanted in Rathmines for the education of the Protestant poor; names were put in working order, certain sums of money were subscribed, and the schools were finally built with the money subscribed. I produce a copy of our trust deed.

It is dated December 16, 1852, and I see a note that in 1851 it occurred to many of the Protestant inhabitants of the township of Rathmines "in the said populous and improving township" to make provision to be made for the religious and moral education of the children of the township and neighbourhood more proportionate to their wants than the schools then in existence supplied." Then there are provisions which we can take from the deed itself. What is the title to the school buildings?—We have a lease for 800 years, at the rent of £20 a year.

What money funds have you?—None whatever except from voluntary subscriptions.

Have you any accumulated money?—No; we had a bogey some time ago of £200, which has been used up in current expenses, so we are in debt to our Treasurer.

Then the only property and endowment you possess at present is the building and lease?—The building and a dwelling house in the rents.

How many pupils attend the schools?—The average attendance at present is about forty, with a full number of nearly sixty; it has been more and less at different times.

Is the school connected with any society or with the National Board?—No; one of the rules in

the deed is that we should not be connected with any society whatever.

MR. JOSEPH P. SMITH.—Rule 15.—"That the Trustees hereby or hereafter to be appointed shall not have the power at any time to connect the said schools with any society whatever, which would restrict the free use and circulation among the scholars of the Holy Scriptures, and that the said Trustees shall on the contrary uphold by every means in their power, the Scriptural character on which the said schools have been originated, and which it is the special object and purpose of this deed to perpetuate."

Rule 16.—"That each Trustee shall sign a declaration before his appointment in the following words:—I hereby declare that I desire to extend the blessing of Religious Education to all classes, and to see the Holy Scriptures in the hand of all that are able to bear them. I have read the deed of trust of the Rathmines Township Sunday and Daily Schools, and I accept the office of Trustee with a determination to maintain as far as in me lies the Scriptural Protestant principles on which the said schools were established." What is the proposal that you desire to make in reference to the Scheme?—I think the minutes of our last meeting will be of use with reference to this.—"The Secretary states that he thought the business of this meeting was probably twofold: first, to determine somewhat in detail the particulars of the Scheme that would meet the present wants of the Committee, and what they were prepared to accept from the Educational Endowments Commission; and, secondly, to appoint someone to represent them there. These matters were then considered, and the general feeling of the Committee was, that although they would wish to maintain as much as possible the trust deed of this school so far as the Scriptural Education of the pupils is concerned; yet, that they would like to see Rules 15 and 16 of the trust deed either cancelled or modified, so as to permit this school to be placed under the National Board of Education, if it were thought desirable to do so. Dr. Vanston, then read the principal clauses of the Scheme, which the Educational Endowments Commissioners framed on behalf of the Nicholson Memorial School, Lisburn, a school very similar in its formation to the Rathmines School in its foundation and trust, and which Scheme has been finally approved of by the Lord Lieutenant and Privy Council in Ireland. And the Committee felt that if a Scheme of a similar nature to that of the Nicholson Memorial could be obtained for the Rathmines Township Schools, it would satisfy the want at present felt."

MR. JOSEPH P. SMITH.—The Nicholson School was a foundation for a Sunday school, and belonged exclusively to the Church of Ireland, not to all denominations of Protestants, and in

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that case we had no jurisdiction except by the consent of the Governing Board. The Governing Body, both in law and fact, was the Rector of the parish, and he gave us the consent. We were bound in that case, perhaps even more than in yours, to have regard to the intention of the founder, a lady, who had erected the building, the principal endowment. We made a provision in the Scheme that scriptural education should be provided every day for every child who was willing to attend. That Scheme has passed the Privy Council. Your school is in some respects similar; you are bound by your deed to make provision for religious as well as secular instruction, and further, that the education must be "Scriptural and Protestant," as it is put in your deed. We possibly might have compulsory jurisdiction in this case owing to the fact that "Protestant" includes different denominations, but speaking for myself, I should not be willing to settle a compulsory scheme for your school.

Mr. Smith.—"Protestant" in our deed is used in the broadest sense; some of the original subscribers, and the largest donors were not connected with the Church of Ireland. They were in fact taken on the broadest principle of Protestantism.

572. Lord Justice Finnigan.—There is a very similar instance in which we have a scheme for the Fulham School Sunday and Daily Schools. These schools were established about 1821, on terms almost identical with yours, and they had an objection to join the National Board. We settled a scheme which empowered, but in no way compelled them to do so, and last week I know in another capacity that the school did join the National system. There the provision not only in that religious instruction shall be given to all children who are willing to receive it, but that the chaplain of the Female Penitentiary, who is one of the governors, in consideration of a legacy given to him, shall attend for the purpose of giving instruction.

Dr. Weston.—Although under the deed the School is open to all Protestant denominations, yet, for the last 15 or 20 years it has been practically connected with the congregation of the Trinity Church, Rathmines. There are no members of any other religious denomination now connected with the committee. I believe there is not a single Presbyterian pupil, and practically the schoolhouse is used for all parochial purposes in connection with Trinity Church, Rathmines.

573. Lord Justice Finnigan.—You understand that under the rules of the National Board, even though you have no children but of your own church, you must teach them as if they were mixed, and if you join the National Board you must comply with the regulations, but, of course, that is quite consistent with your giving Scriptural and Protestant instruction to all your own children at the time set apart for that instruction.

Dr. Weston.—That is what we wish to do.

574. Dr. TRAILE.—How are the children divided as regards denomination?

Dr. Weston.—They are all children of the Church of Ireland.

575. Monsignor Molloy.—You only ask for power to put your Schools under the National Board?

Dr. Weston.—We want to get power if we wish to put the Schools under the National Board, and we want to establish *de jure* what *de facto* is the state of things, to bring the Schools into connection with the church of Rathmines.

576. Lord Justice Finnigan.—What do you want about the constitution of your Governing Body?

Dr. Weston.—We want to get a combination of the Nicholsons Scheme, and the provisions of our own trust deed. We would be satisfied with the innumerate and churchwardens of Trinity Church, Rathmines, as ex-officio. Then there should be one or two representative governors appointed by the Select Vestry, and the majority should be elected out of the ten shilling subscribers as at present.

577. Monsignor Molloy.—Would you object to Presbyterian subscribers, and would you give them a vote?

Rev. S. M. Harris.—We would not object.

Mr. Smith.—We would be very glad if they would keep up their old status, and subscribe and take part in it.

578. Monsignor Molloy.—You don't want to narrow the constitution established by this draft—No.

579. Rev. Dr. Winsor.—If you are about to sit in your Trinity Church, have you consulted the representatives of the original subscribers?

Mr. Smith.—At present virtually all the subscribers are members of the Trinity Church, Rathmines. The original subscribers are dead, and I don't see how we could find their representatives.

580. Lord Justice Finnigan.—They must represent themselves by subscribing money. The usual subscriptions are your income, and you have no accumulated funds?

Mr. Smith.—Not a shilling.

581. Dr. TRAILE.—So your original subscribers would be entitled to no voice unless they paid year after year?

Mr. Smith.—Our election is annual, and the subscribers subscribe ten shillings.

582. Lord Justice Finnigan.—The wider you make your franchise the more likely you will be to attract subscribers. The Fulham School is considerably dependent on subscription, though it has an endowment of about £3,000 left by Mrs. Herbert, one of the former Governors, and the buildings. In addition to certain other Governors, the subscribers elect. Those qualified to vote at the meetings of the Subscribers, and in the election of Governors are persons who, at any time before or after the date of the Scheme, shall have subscribed not less than Five Pounds or collected and paid no pounds in one sum to the funds of the school; the personal representatives of persons who, at any time before or after the date of the Scheme, shall have bequeathed not less than One Hundred Pounds for the benefit of the school, and persons who, after the date of this Scheme, shall annually subscribe not less than Ten Shillings, or shall annually collect and pay not less than Two Pounds, but no annual subscriber is qualified to act or vote as such for six months after the payment of his first annual subscription, nor is any year for which the annual subscription has not been paid. There are provisions for keeping a register, &c., all that I think would apply to you.

Mr. Smith.—That would suit us very well, it might be confined to annual Subscribers of ten shillings and to collectors of certain monies, but beyond that I don't see that the rule will apply.

583. It is for yourselves to consider a matter of that kind, we would not force anything on you, but a subscription is a very usual subscription in charities.

Dr. Weston.—I don't think we have a single £10 Governor.

Mr. Smith.—We have Mr. Purser, who refusal either a trusteeship or to connect himself with the school, but he subscribes £10 a year.

584. Lord Justice Finnigan.—We can put in this provision about the £10 subscriber, and you can bring it before your people. One thing I must direct you to do, if we publish a Draft Scheme, you should call a meeting of all who are interested and submit the Draft Scheme to them, so that anyone who has a right to express an opinion may have an opportunity of doing so, for although we hold a public inquiry the proposals might come better from those presenting the Scheme.

Mr. Smith.—We could do it by postcard and advertisement.

585. Monsignor Molloy.—What is the second National School under Protestant management in your Schools?

*Rev. S. M. Harris.*—Dr. Neigan's, and it is a full school.

*Monsignor Molloy.*—Does not the attendance at your school seem rather small?

*Rev. S. M. Harris.*—It is small, but it is not under the National Board. We want power to go under it, and we would then have increased scholarship and larger attendance.

*Monsignor Molloy.*—Where are these pupils sent you expect going at present?

*Rev. S. M. Harris.*—To Dr. Neigan's and to Kilian Street.

*Monsignor Molloy.*—We have found that children come a long distance to the Kilian Place Schools, because they have such a good reputation.

*Rev. S. M. Harris.*—And they might go still, because they could give them greater advantages than we could.

*Lord Justice FitzGrennan.*—Evidence has been given to us that Protestant children occasionally go to some Catholic Schools where they have no other, and that younger children are not sent to school, but as far as home, and less education altogether where the Protestant Schools are not under the National Board.

*Rev. S. M. Harris.*—That is so; parents have faith in the National Board inspection.

*Mr. Dr. Train.*—If a clause were put in requiring you to give scriptural education to every child who was willing to take it, the only modification of your bill would be that you could not force it on any child.

*Rev. S. M. Harris.*—We are willing to accept that.

*Mr. Lord Justice FitzGrennan.*—It is supposed by some people that the National School system excludes religious instruction; it does nothing of the kind; it requires it to be separated from the secular; but a National School which does not give religious instruction is not doing the full duty.

*Rev. Dr. Wilson.*—As a matter of fact there is more religious instruction given in most National Schools than in your Scriptural Schools, as you call them.

*Lord Justice FitzGrennan.*—We found that to be the case in the Church Schools near the Nicholson School. In the Nicholson National School the clergyman is bound to attend at least once a week by himself or his curate.

*Monsignor Molloy.*—Have you, or have you not, an objection to the principle of the National Board, that forbids all reference to religious questions while the card for secular instruction is up?

*Rev. S. M. Harris.*—No, I have no objection.

*Rev. Dr. Wilson.*—In other words when you have 20 hours out of the 24 to teach as much religious instruction as you like you are content to take secular instruction for the remaining four?

*Mr. Lord Justice FitzGrennan.*—How do you propose to constitute the new Governing Body?

*Dr. Weston.*—Have the Incumbent and the two Churchwardens of Rathmines as ex officio members, then there should be a certain number of representative persons chosen by the Select Vestry.

*Mr. Lord Justice FitzGrennan.*—How many?

*Mr. Green.*—Two.

*Dr. Weston.*—The number is a matter of detail and the remainder should be elected out of the subscribers in the same way as the trust deed provides.

*Mr. Finch.*—As there will be five connected with the Church, there ought to be a sufficient balance of the general subscribers to meet it.

*Mr. Lord Justice FitzGrennan.*—We settled a Scheme for Howeson's School, Clans, where a school founded by a private benefactor had become, as years passed, attached to the Parish Church. We did not think it right unconditionally and for ever to give the Incumbent, Churchwardens, and Select Vestry a representation on the school committee, independent of such events as might happen, that they would fall out

with the school or cease to take an interest in it, and the provision is that as long as £10 a year, which is much less than Rathmines should provide, is contributed by the parish to the funds of the School, these representative governors continue, otherwise they lose their right. Have you any objection to a scheme of that kind?

*Rev. S. M. Harris.*—No, we provide at present £120.

*595.* You cannot expect the Select Vestry to give you an official subscription because they may have no right to spend their money on a school, but we might say that so long as the sum contributed towards the School by the members of the congregation amounted to a certain proportion of the annual income the representation should be given.

*Dr. Weston.*—The Select Vestry would have to pay a certain sum to the Governing Body for the use of the Schools for a Sunday School and a Young Men's Association.

*Lord Justice FitzGrennan.*—That would be a very good provision.

*Mr. Sneath.*—The Church might, as it has done for years past, give its annual sermon. Sometimes the collection amounted to £20, sometimes to £15, but if one sermon did not produce the sum specified, two might do, and therefore the Church might fulfil all you lay upon it in that respect.

*597.* Lord Justice FitzGrennan.—At all events you don't object to the principle that will require a pecuniary contribution from the Church?

*Rev. S. M. Harris.*—No.

*598.* Dr. Train.—What do you think the subscription should be?

*Monsignor Molloy.*—Say £30.

*599.* Lord Justice FitzGrennan.—What do you say, Mr. Sneath?

*Mr. Sneath.*—I would certainly say not less than £20.

*600.* Suppose you make £30 a condition for the Incumbent and two Churchwardens, and £30 more for two representatives of the Select Vestry.

*Dr. Weston.*—It is too much for the Vestry.

*601.* Monsignor Molloy.—Well, say £10 for the Vestry?

*Lord Justice FitzGrennan.*—The School depends for local aid on the congregation, and £40 a year, if you are giving £120 at present, should be easily made up.

*Monsignor Molloy.*—Would you include subscriptions in that?

*Lord Justice FitzGrennan.*—Yes; they have a register of Vestrymen, and they would only have to see that the subscriptions of the Vestrymen amounted to so much.

*602.* Dr. Train.—The subscribers are to have two more representatives?

*Mr. Sneath.*—This contribution should be irrespective of anything that the Select Vestry pays for the use of the rooms for Church Societies or Young Men's Associations.

*603.* Lord Justice FitzGrennan.—That should appear in the Scheme as a purpose for which you might charge such rent as you thought advisable.

*Dr. Weston.*—If the sum paid by the Select Vestry be fixed too high, in course of time the Schools might be disengaged from the church. The schools are not adequate for parochial purposes, and there has been talk about getting up subscriptions to build a Parochial Hall. If that were done the Parochial Hall would be available for the purposes of the parish for which the Schools are now used, and in that case the Churchwardens and Select Vestry would cease to pay any subscription.

*604.* Lord Justice FitzGrennan.—I don't understand that rent paid for the use of the schoolhouse is to go to make up a qualification. As long as £20 a year of the subscriptions to the school come from members of the congregation, I think they might fairly have the Incumbent and Churchwardens on the Governing

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Mr. Joseph  
S. Sneath.

MR. J. H. MONAGHAN,  
Mr. Joseph  
J. SMITH.

Body, and if it went as far as £40 they might have two more.

Mr. SMITH.—These Schools will virtually become Church Schools, and this will be the binding link with the church.

605. They have become so, and the more classic you make the bond the better, don't gall yourselves with fictions.

Rev. S. M. HARRIS.—If we went under the National Board would the Board have any claim to the schoolmaster's house?

606. No; the Board has nothing to do with the property in Non-Vested Schools. All it can do is to stop paying money.

Rev. S. M. HARRIS.—The claim of the Board would be only during the hours for secular instruction?

607. The Board have no claim to the school at all, as long as it complies with its rules they contribute the money.

Rev. S. M. HARRIS.—There would be free use of the rooms for parochial purposes?

608. Subject to the rule that they are not to be used for political purposes.

Mr. SMITH.—I understand that with the exception of political meetings we can use them as at present.

609. Lord Justice FIRGISON.—Out of school hours the National Board do not interfere with the owners of school buildings further than to say that they are not to be used for political or like purposes.

Rev. Dr. WILSON.—The rules don't interfere with your free use for all your church objects.

610. Lord Justice FIRGISON.—What do you say about the total number of the Governing Body?

Mr. SMITH.—About nine or eleven. Would you fix the quorum at five?

611. Monsignor MOLLOY.—Five would be rather a large quorum?

Mr. SMITH.—Would you please say eleven with five quorum.

612. Dr. TRAIL.—The Incumbent and two Churchwardens, two chosen by the Vestry, five; and four elected by Subscribers, that is nine.

Lord Justice FIRGISON.—You should settle this with your Subscribers.

613. Monsignor MOLLOY.—If your board is six, your quorum ought to be three, and if eleven it ought to be five.

Dr. TRAIL.—The number of representatives would depend on the number of Subscribers, one for every ten is what we generally put in.

Mr. SMITH.—I am afraid our 10s. Subscribers would be rather limited.

614. Dr. TRAIL.—Then they are not entitled to a large representation, and you are putting £50 on the shilling for the two churchwardens.

Rev. S. M. HARRIS.—Might we have permission to put a lady on the board?

Lord Justice FIRGISON.—Certainly. In the Peterborough case there are two ladies.

Mr. SMITH.—There is a rule early in the minute book that the committee can at any time interest ladies in matters connected with the Schools.

615. Lord Justice FIRGISON.—We have two forms of clause for that, one is to allow the Governing Body to appoint a Ladies Committee; the other, as in the Peterborough case, allows ladies paying subscriptions to have votes and to take places, like everybody else, on the committee. In the Peterborough case two of the committee are ladies now, and the lady who gave the endowment had been on the committee.

Rev. S. M. HARRIS.—I would prefer lady members of the Board.

Mr. SMITH.—I have no objection.

616. Lord Justice FIRGISON.—Dr. Trail will take charge of the Draft Scheme, you will communicate with him, and we shall be glad to publish it as soon as possible.

#### SCHEME No. 153.—THE DUBLIN PROTESTANT REFORMATORY SCHOOLS

##### (OBJECTIONS AND AMENDMENTS.)

Rev. J. H. MONAGHAN, D.D., Rev. Thomas LONG, Rev. A. L. ELLIOTT, Rev. R. G. M. WEBSTER, and Dr. E. W. ANDREWS were in attendance.

617. Lord Justice FIRGISON.—The object of this Scheme is easily stated. In 1859 a Reformatory School for Protestant girls was established at Cork Street, which has since been carried on by a committee in accordance with the Acts of Parliament dealing with schools of that class. That Reformatory School appears to possess an endowment of £30, Irish, per annum, and of certain premises. About the same time a Boys' Reformatory School, also for Protestants, was established under the same committee, at Ranelagh Place; the number of boys requiring a school of this sort has happily diminished, and I believe the only Reformatory School for Protestant boys now in Ireland is in Belfast. The Reformatory at Ranelagh became unnecessary, it was closed in 1890, and the premises were sold; they did not produce as much as they originally cost, but they did produce a sum now represented by £236 4s. 4d. Government Stock, which was lodged with the Commissioners of Charitable Distributions and Requests, and which now constitutes an educational endowment, not for the original purpose, which has ceased, but for whatever purpose nearest thereto, either one of our schemes, or the Court of Chancery acting on analogous principles may deem it advisable to adopt. We understand that the Girls' School is in monetary difficulties, that the expenditure has exceeded the income, that a considerable amount of liability has been incurred in carrying on the institution, and that it is in danger of coming to an end through want of means, whereas the Belfast School has this money remaining over, which

may fairly be made available in the view of those who have applied for the Schools. These Reformatory Schools are denominational by statute, and to present Draft Scheme, whether requiring consent or not, has been prepared on the application of the Governing Body or Committee of the two Schools. The first question is whether these two Schools are so connected with each other as to make it legitimate to apply the funds of the Boys' School to the Girls' School.

Rev. R. G. Webster.—The debts which have accumulated are debts for the most part on Ranelagh.

Lord Justice FIRGISON.—I was not aware of that.

Rev. R. G. Webster.—About half and half.

Lord Justice FIRGISON.—I understand the Ranelagh had been wound up and the money lodged with the Commissioners of Donations and Requests. On the first question, which is a question more or less of law, I have no doubt that these two Schools were established practically at the same time, and by the same committee, and for the same purpose.

Rev. R. G. Webster.—One came from the other.

Lord Justice FIRGISON.—They are as nearly connected institutions as it is possible to conceive, and therefore money belonging to one, could not be more legally applied on the *cum proposito* principle, than by applying it to the other. But then comes the question, whether the proposed application is one that we can sanction or carry out. I understand that it is desired to apply the money, to a great extent, or almost

together, to discharge existing liabilities, and we now have evidence what those liabilities are, how they arose, how long they have existed, and what is their amount.

**Rev. Dr. Monahan.**—This statement (produced) prepared for the Commissioners of Charitable Bequests, gives the whole history of the Institution. Up to 1887 the Institution at Rehoboth was able to pay all its debts by means of the farm. After the disestablishment of the Church of Ireland it was pressed upon us as official manager, that being a Government institution it should be made, if possible, to maintain itself. We took a farm of four acres at a rent of £45 a year, and from the number of boys then in the Institution, forty-two, we were able by their industry on that farm as market gardeners to raise sums annually varying from £83 to £191 of profit, so that we were able then to pay our own debts, and to help the Girls' School, which was managed by the same committee, out of the same funds, and with the same banking account. From that out we never received or applied for sixpence of public subscriptions, nor had we anything except the profits of our own farm.

**SIR M. MELLOR.**—About what time did you take the farm?

**Rev. Dr. Monahan.**—We had a small farm connected with the house, but about 1870 we took this additional farm of four acres. Until the year 1887 we were able to pay all our debts. Some of the people who supplied us with meat, coal, and so on, agreed that, as the Counties and Treasury did not pay us sometimes for one-and-a-half years after we had expended our money, they would be satisfied to receive payment every half year, and if they did not they could add five per cent. It was considered to be a useful arrangement, and so we were able to wait until the Counties and Treasury would pay us. The Treasury pays about four months after we have expended our money, and the Counties pay one and a half years after we have expended our money. When the Industrial Schools were established they picked up at an earlier age those who would be of the criminal class, and simply by the action of the Industrial Schools the Reformatory Schools were diminished in number. Dwindling gradually, our boys came down in the year 1890 to only fourteen. During the years from 1887, owing to the diminution of the numbers, we were obliged to incur debts; we knew we had this property, and on the faith of this we borrowed £400 at one time. It was counted as a property we had received in subscriptions, and that it was legitimately due. We were then about to sell it when the Charitable Commissioners interposed, and said that it was not possible to sell without their permission. This was, of course, conceded, and the property was sold for £300, and paying what was due for ground rent at the time, raised £234 net. With this we thought to pay all that was due by us on the part of Rehoboth, and that there would be some margin to help the Girls' School; but there has been a difficulty with the Charitable Commissioners as far, and we hope that by means of a representation from this Commission they will be induced to yield that point, and to enable us to pay our debts. The debt on Rehoboth amounts to £237, and, in the meantime, as we were not able to assist the Cork Street School for Girls, debts have been incurred on £211, so that while there is due to us at the present time £448 to the County and Treasury £237, we would have on the whole to apply to the public and our friends for a debt of about £100, which, after over thirty years' management, is not a very great deal. I have been official manager since 1887 of both Schools. The Treasury won't deal with a committee; they require me to nominate an official manager, to whom the accounts are paid, and he renders an account to the Treasury. That account has been furnished year after year, and as we have no receipts from the Treasury, they audit themselves. I applied to Sir

Rowland Blomfield for a statement regarding our work, and he writes:—

—**DEAR CAROL MONAHAN.**—In compliance with your letter of the 17th inst., I have much pleasure in testifying that the accounts for care and maintenance in Rehoboth and Cork Street Reformatories as rendered to Her Majesty's Treasury and to the Grand Juries have always passed through this office, where they were duly audited and certified for payment."

**SIR R. F. FITZGERALD.**—I presume those accounts only include cash received and cash expended?—Exactly.

**SIR R. F. FITZGERALD.**—And did not include a statement of outstanding liabilities?—No. In some cases where there was a pressure I paid the accounts myself, and it was afterwards reimbursed as money came in from the Counties.

**SIR R. F. FITZGERALD.**—I find in the minutes:

—“On July 24, 1890, Dr. Monahan submitted a statement with reference to Rehoboth, of which the following is an abstract:—Due to Rehoboth from Corporation and County, £176 0s. 8d.; due to Cork Street, £62 10s. 2d., making together £238 10s. 1d. To credit in Bank, £111 0s. 8d.; Treasury to 31st June, £8 0s. 6d., making £234 11s. 2d., value of crops, £23 10s. 6d.—£273 1s. 1d.”

That is the total amount of assets of both institutions. At the opposite side is put down—Liabilities to end of July, Rehoboth, £196 9s. 2d.; Cork Street, £111 0s. 1d., making a total of £308 9s. 1d. That is to say the assets were less than £273 1s. 1d.; the liabilities, £208 9s. 2d., leaving a deficit or total liability at that time of £123 8s. 1d. On the face of that report the liabilities put down for Rehoboth of £196 9s. 2d. should be diminished by the £176 0s. 8d. due to Rehoboth, and by whatever proportion of the other assets which belong to Rehoboth, but it does not appear that the total liability of the two institutions treated as one was more than £123.

**REV. DR. MONAHAN.**—If we had the value of our property we would be about £100 in debt.

**SIR R. F. FITZGERALD.**—This account of 1890 takes no credit for the value of property. The assets consist entirely of money due from the Corporation and the Counties, money in the Bank, and the value of crops.

**REV. R. G. WEBSTER.**—We have been working the Institution ever since, and the income has not met the expenditure. Two members of the committee assisted Dr. Monahan in going over the accounts ten days ago, and we made out exactly according to the vouchers what our liabilities are at present. In round numbers, the debts due on Rehoboth are £237, and the debts due on Cork Street are £211, making a total of debts of £448. Dr. Monahan in mentioning £100 odd has taken credit for the money in the hands of the Charity Commissioners.

**SIR R. F. FITZGERALD.**—But this minute of July 24, 1890, goes on:—

—The following resolutions were unanimously adopted: That the official manager be authorized to make the arrangements necessary for closing the Rehoboth Reformatory, and having the houses vacated, and then to dispose of the boys who deserve it, and the trustees are authorized to dispose of the premises either by sale or letting, and are requested to obtain a loan of, say £200, to cover what debts may have been incurred during the time the land was unproductive.”

The liability ought not to have been increased since.

**REV. R. G. WEBSTER.**—It was since that date the Reformatory was sold and the money got into the hands of the Charity Commissioners, and they would not let it go on the ground that they had no power to do so.

**SIR R. F. FITZGERALD.**—How did it get into their hands?

**REV. R. G. WEBSTER.**—Because the Trustees had no power to sell without the permission of the Charity Commissioners, and we are informed they are perfectly willing to pay the money, but they feel they have no power.

**SIR R. F. FITZGERALD.**—Is it properly payable out of the Endowment?

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**Rev. R. G. Webster.**—If debts are incurred in the ordinary working of the Institution, are they not properly payable?

**626. Lord Justice FIZZGIBSON.**—You must remember that our function is to make arrangements for the future management of Endowments. If this money, in the hands of the Commissioners of Charitable Donations and Bequests, is not sufficient to pay the debts, and if they ought to be paid out of it, there could not be a Scheme for the future management of that. What application have you made to the Charitable Donations Commissioners to authorize the application of this money to discharge the liabilities?

**Rev. R. G. Webster.**—They were requested to hand over the money for the payment of the liabilities, and we were informed that they had no power to do it under their own Acts.

**627. Monsignor MOLLOY.**—What do you ask us to do?

**Rev. R. G. Webster.**—To give us a Scheme that will enable the Charity Commissioners to give us over the money.

**628.** The only thing we can do is to give you a Scheme for the management of an Endowment, and the Endowment, from what you state, seems to be a negative quantity.

**Rev. R. G. Webster.**—It is not a Scheme to close Rehoboth, it is a Scheme to carry on an Institution which up to this has been carried on under two forms, we want to carry it on under one.

**629.** Your liabilities are £448; to meet that you have £22 due by the Treasury; what else have you?

**Rev. R. G. Webster.**—A small sum in bank.

**630.** We make out £334 Government Stock, and an annual sum of £18 9s. 3d.; is there anything else?

**Rev. A. L. Elliott.**—There is the building in Cock Street.

**631. Lord Justice FIZZGIBSON.**—That raises the same question as there was about Rehoboth, and certainly when this Scheme was published, I was under the impression that you had some margin of Endowment over and above the payment of these debts, something that would be in future available. The buildings in Cock Street now, just as the premises at Rehoboth formerly, are in the nature of capital, which the Committee would have no power to charge for current expenditure or debts of that kind. You said that you had made up an account; could you give us the details?

**Rev. R. G. Webster.**—Here are the details (produced) of Cock Street and Rehoboth.

**632. Rehoboth—Coal.** December, 1887, to February, 1891. Did you not part with it until February, 1891?

**Rev. Dr. Monahan.**—We were still holding on, expecting to be permitted to sell it.

**633.** £147 11s. 3d., which includes £21 19s. 6d. for three and a half years interest at 5 per cent. Then the butcher, £15 7s. 6d.; seeds, £18 9s. 10d.; one year's rent—I thought you said the rent had been deducted from the purchase money!

**Rev. R. G. Webster.**—Ground rent was deducted.

**Rev. Dr. Monahan.**—The rent due is for the additional farm; the ground rent of the house was paid.

**634.** Have you surrendered the farm?

**Rev. Dr. Monahan.**—Yes, and they are waiting very kindly.

**635. Dr. TRAHL.**—Did you get any compensation for giving it up?

**Rev. Dr. Monahan.**—No.

**636. No tenant-right?**—No.

**637. Lord Justice FIZZGIBSON.**—This account makes altogether £237 18s. 4d., of which in round numbers £200 is for other things than coal—is this all due by Rehoboth?

**Rev. R. G. Webster.**—That is all that is due on Rehoboth.

**638.** Have you made an agreement to pay 5 per cent on this coal account?

**Rev. R. G. Webster.**—No, we have not, but it is only what would be reasonable.

**639. Monsignor MOLLOY.**—Could you tell me Cork Street premises?

**Rev. Dr. Monahan.**—That would not be desired.

**Rev. R. G. Webster.**—We intend to keep that in Ireland at present; there is another Protestant Girls' Reformatory in Belfast to which the few remaining boys in Rehoboth were transferred.

**640.** How do you propose to pay your debts?

**Rev. Dr. Monahan.**—By an appeal to the public.

**641. Dr. TRAHL.**—If you get the £200 will you be able to collect the rest?

**Rev. Dr. Monahan.**—I have no doubt we should.

**Rev. R. G. Webster.**—The public have not been asked to subscribe to it for twenty years.

**642. Monsignor MOLLOY.**—If you had your debts paid, your buildings would constitute an Endowment; but so long as your debts are equal to the value of your buildings you don't appear to have any Endowment.

**Rev. A. L. Elliott.**—That is the case exactly.

**643.** If you were sold out at present, what would be your net produce?

**Rev. R. G. Webster.**—It would be negative.

**644.** Your Endowment appears to me to depend on the success of a collection.

**Rev. Dr. Monahan.**—This is the only Reformatory for Protestant Females in Ireland, we never had more than the first more than 18 pupils in the Reformatory from the whole of Ireland. It could not be self-supporting; at the present time we have seven girls out of the whole of Ireland; it seems to be absolutely necessary, even for the benefit of the Industrial schools; the largest number that we have had in that school for several years back have been those who were unmanageable in Industrial Schools, and were sent here to a sort of penal settlement. So it becomes absolutely necessary that that Institution should be maintained even for the sake of the Industrial School.

**645. Monsignor MOLLOY.**—If you are able to maintain it?

**Rev. Dr. Monahan.**—If we are able to maintain it, and I have no doubt of that, once an appeal is made to the Protestant public, and to the Roman Catholic public, for in the first instance they kindly contribute as well as the Protestants to the establishment of these Schools.

**646. Lord Justice FIZZGIBSON.**—Where are the bills for Cork Street?

**Rev. Dr. Monahan.**—Here (produced).

**647.** These are not of so long standing as the others—grocery bills, £23; bread; what is this £33 rent; I am a query opposite it?

**Rev. R. G. Webster.**—We queried it because it was for two scattered half years.

**648.** I see you have been getting into law suit with your butcher, £9 3s. 7d., and you owe it repairs, clothing, maintenance, salary, and incident expenses. Did the butcher get a decree against you?

**Rev. Dr. Monahan.**—I was sued in the Recruit's Court as the person liable; the Recorder declared that I was not accountable for any such debt, but at the conclusion of it he threw out the suggestion that the committee might be sued. That was immediately taken advantage of, and writs were issued against every member of the committee. I thought it was a pity to have such a master occurring, and I gave a cheque for the amount both of the debt and the law costs, and in that way I have paid £66 myself of this very debt.

**Rev. R. G. Webster.**—With reference to the point raised by Monsignor Molloy, the Burroughs would be considered an Endowment, £18 a year.

**Lord Justice FIZZGIBSON.**—You could not sell that.

**649. Monsignor MOLLOY.**—That annuity and the buildings really constitute your Endowment; but make you clear yourselves from debt!

*Rev. R. G. Webster.*—Not without a collection.

*Lord Justice FROGMANOR.*—What is the title to the premises of the Girls' School?

*Rev. Dr. Monahan.*—It is a lease for 99 years at the yearly rent of £35. And we added very largely to the premises so as to accommodate what we expected would be the number of girls from the whole of Ireland.

*Mr. DR. TRAILL.*—How much do you get from the Government for the children in the School?

*Rev. Dr. Monahan.*—5s. per head per week. The Government say in effect: "Gentlemen if you are so philanthropic as to think that you save these young people from the contamination there might be in prison we will pay you the amount their food will cost but nothing more, you must provide a master and teachers and everything else."

*Mr. Do the Grand Jury give you anything?*—The Grand Juries give 2s. 6d. a week also.

*Lord Justice FROGMANOR.*—You get 5s. 6d. a head for each child. That would be sufficient to feed and keep them and leave a profit if you had hundreds of them, but when it comes to numbers like 20 or 30 it does not pay.

*Rev. R. G. Webster.*—At present there are only 7.

*Mr. DR. TRAILL.*—You have to keep a cook and a matron!

*Rev. R. G. Webster.*—Two matrons.

*Rev. Dr. Monahan.*—And a schoolmistress. The Government Inspector comes to examine the children when they are well taught, besides our own Inspector.

*Lord Justice FROGMANOR.*—For the purpose of calculating your condition, you must exclude premises, they are capital that cannot be applied for the payment of current expenses, and furthermore they cannot be legally charged for current expenses, a surcharge for example by your committee on your buildings to pay the butcher or the baker, I apprehend, would not hold water in Chancery.

*Rev. R. G. Webster.*—Suppose it was decided not to keep open even the Female Reformatory?

*Mr. Do then you would wind yourselves up. Nobody is bound to continue to carry on a thing of this kind, but you would find yourselves obliged to pay your debts by money you would collect. You could not sell your premises for no one would buy them unless you could make title to sell them. This is the principle that has been applied by the Commissioners of Charitable Donations and Bequests to this money that represents Hebron, the capital has been turned into cash, but the cash still represents capital, and there is always very great difficulty in his charging current expenses upon the capital of a society.*

*Rev. R. G. Webster.*—This capital was furnished by subscription.

*Mr. No doubt, but the subscriptions were given not to pay current expenses, but to acquire the buildings.*

*Rev. Dr. Monahan.*—The subscriptions continued until 1871.

*Mr. I don't want to be a Job's comforter, but I must tell you how the thing stands in point of law. Being trustees of buildings for a charitable institution, you have done as many charitable people have done before, you have over-run the constable, and you cannot sell the buildings to pay your debts, you must raise money in some other way.*

*Rev. R. G. Webster.*—Can we not sell the buildings if you give us a Scheme for the purpose?

*Mr. That is another question. I am speaking of your legal position apart from a Scheme. I was in hopes when we took up this Scheme, that if the money was made available for the payment of your liabilities under certain restrictions, something would have remained over for Cork Street. If so, it might be better to give you a*

clean sheet and let you begin again, if we could see our way to putting the school on a permanent basis. But our jurisdiction would be more than doubtful if the Scheme resolved itself into a Scheme to turn all your existing property into a fund for paying a past debt.

*Rev. A. L. Elliott.*—That is not our position exactly, there are two parts of one Institution, the Male and the Female, the Male part has been brought to a close, but we are very anxious to keep on the other half, that is the Female. We have the buildings in Cork Street, a going concern, and we have an anxiety which could hardly be alleviated from that purpose. We come to you telling you we are in a difficult position, because there is a large debt hanging over the remaining part of the concern; we ask you then to put it in such a way that we can get that £354 so as to pay off liabilities, the remaining part of the liabilities being paid off by our making subscriptions, which it would be quite possible for us to do. Then we shall take up the Cork Street Institution with its buildings and endowment of £354 a year, and we look forward to collect subscriptions to make up the balance.

*Mr. I should be very willing to do everything I could to keep up Cork Street as a going concern. We are not a winding-up body, we have no jurisdiction to decide whether former payments were properly made or not, we can only try to do something which will make the Endowment useful in future. The first thing to be done with a view of making a Scheme to carry on Cork Street, is to see what Cork Street has. It has the buildings, and I don't think the Committee could legally charge those debts on the School premises. The Committee must provide for the payment of the liabilities, but they cannot touch the corpus of the fund to pay liabilities incurred in the annual and current management of the charge. This annuity of £18 is in the same position, you cannot anticipate or charge it or get any debts upon it. Possibly a creditor might be able by legal proceedings, to get a receiver appointed over it but the Trustees could not legally charge it with their past debts; therefore, you have the Cork Street premises and this £18 odd a year as an Endowment for the future management of which we could settle a Scheme. But we now find that you are embarrassed with debts, and there is £354 available as capital from Hebron. I should be very glad, if I could, to let Hebron wind itself up, so to speak, and to pay off the Hebron debts out of that money, and allow the balance to be used for the purpose of keeping the Cork Street concern to go on, but now it seems clear that even if we applied the whole of that money to discharge debts, then you would still be in debt, and we should have no guarantee that there would be anything available in future. Your seven children cannot really pay your expenses, yet you are not collecting any money to keep the thing going.*

*Rev. R. G. Webster.*—Not now.

*Rev. A. L. Elliott.*—We are waiting for you.

*Mr. You must understand the position; you are waiting for us to release £354 towards bringing you to the surface of the water, but if we give you the £354 and you spent it, you would be under water still.*

*Rev. Dr. Monahan.*—We purpose immediately to issue an appeal.

*Mr. DR. TRAILL.*—How would it do to put in a clause that on the raising of a certain adequate figure by the public the Charitable Bequest Commissioners should be able to release a portion of this; they might release £200 if £200 were put down.

*Lord Justice FROGMANOR.*—It must come in the end to something of that kind, we could not name any fixed sum, but on being satisfied that the Cork Street buildings and annuity were clear, all but £354, the £354 might then be applied to pay the balance, but at present the £354 would simply wipe out £354 of debt, and leave you still with no income and in debt.

662. Monsignor MORLON.—Can you make an arrangement by which you would collect the balance between £354 and what you owe, before the Scheme comes into operation?

Rev. Dr. Monahan.—That I think would be very possible.

Lord Justice FIRZGRISSON.—The Scheme could be used as an inducement to people to subscribe.

663. Monsignor MORLON.—I think what Mr. Elliott says is a very fair view of the case, that we might regard the produce of the Rehoboth buildings as being available for carrying on the work in Cork-street, because the two establishments were branches of one and the same institution. But you must show us that if you get a Scheme, you would be able to carry on the institution; and we cannot see any reasonable hope of that, unless you could pay your debts in case you got the £254.

664. Lord Justice FIRZGRISSON.—Now let me ask a practical question. How are you to pay this week's bills?

Rev. Dr. Monahan.—By my help, I suppose.

665. It is unfair to you that you should be put under this expense, but so far as you don't personally bear it, you are running up debts!

Rev. Dr. Monahan.—We propose immediately to issue an appeal to our friends, and feel certain that we will obtain help, but we are anxious if possible to have the sanction of this Scheme.

666. Could you tell me what was your total expenditure for the last twelve months, for which you have made up your accounts?

Dr. TRAILL.—Have you no balance sheet each year?

Rev. Dr. Monahan.—No, we have had no occasion for any, we furnish a statement to the Treasury.

667. Lord Justice FIRZGRISSON.—What does that statement show?

Rev. Dr. Monahan.—Every month of expenditure for the year.

668. Every month of expenditure actually paid, but not the debts unpaid—any gentleman could show a beautiful balance sheet, if he left out his debts.

Rev. A. L. ELLIOTT.—It is only right to say that, as between Dr. Monahan and the authorities, the committee have not taken any part.

669. His account shows that he has expended on the institution the money he got from the Government, but that is perfectly consistent with his spending money of his own in addition or running into debt. The first thing you must do, apart from the Government or anybody else, is to draw a line at some date, balance your accounts, and keep full accounts of expenditures and income from that date, including your liabilities as well as your payments. The very first step to ever preparing a Scheme is that you should do that. You have got materials for it now in these bills.

Dr. TRAILL.—You had better ask the public for £300.

Lord Justice FIRZGRISSON—I don't think £300 would be enough. I don't want to bring you up to the surface, give you a mouthful of fresh air, and then let you go down again. The bills are going on all this time.

Dr. TRAILL.—It is better to take the debts at £448, subtract £304 from that, and you have £194, £134 is what you must raise.

670. Lord Justice FIRZGRISSON.—That is what they must raise to-day to leave themselves over, but observe they are getting £6. 6d. a head on seven girls, that is £3 a week, £156 a year, then there is the anomaly, making the total income about £175 a year, and no more. Now, what is your expenditure?—First, £53 for rent.

Rev. R. G. Webster.—£5 a month for the matron.

£71. £60 a year!

Rev. A. L. ELLIOTT.—That would be subject to revision, it is altogether too high.

Rev. Dr. Monahan.—That was fixed when there was a larger number.

672. Lord Justice FIRZGRISSON.—Then you have a schoolmistress,—is she resident?

Rev. Dr. Monahan.—Yes, £30 a year.

673. What services have you got?—None whatever.

674. Then these two people are the only staff.—The only staff.

675. Dr. TRAILL.—Is the matron kept and fed besides her salary of £60?

Rev. R. G. Webster.—Yes.

676. Lord Justice FIRZGRISSON.—I will put down £20 for the keep of the matron.

Rev. R. G. Webster.—I don't think it would cost us much as that.

677. We will put the two down at £20 each, you won't do it for less than that. The way the figures stand is this, you have to pay £35 for rent, £60 salary for the matron, £30 salary for the schoolmistress, £20 a year apiece for the keep of these two ladies, making altogether £165 a year, with an income of £175, and there remains to be paid the keep and clothing of the children.

Rev. R. G. Webster.—You won't do that under £12 a year each.

678. I should put them down at £15 a year apiece, that is £165 and you have still to pay for the repairs of the building, coal, light, and incidentals of every kind.

Dr. TRAILL.—The coal bill seems very heavy, especially if there is interest on it.

679. Lord Justice FIRZGRISSON.—You will never be able to keep this place up with any sort of permanent security unless you raise £150 a year, at least, in addition to the amount required now to pay your debts.

Rev. R. G. Webster.—There are certain members of the committee who will be prepared to consider whether it is worth spending £150 a year in addition to what we receive from the Government on six or seven girls.

680. On the other hand there is no other Protestant Reformatory School for girls, and if this is closed they must go to prison, and the refractory girls must remain in industrial schools.

Rev. Dr. Monahan.—On one occasion we took six girls from one Industrial School, where they had been entirely unmanageable.

Rev. R. G. Webster.—The committee were informed by more than one member of the Charity Commission that the Commissioners were prepared to give us the money if they had the power. They saw the justice of our case, and this Commission has the power.

681. Lord Justice FIRZGRISSON.—We have the power of extending the usefulness of endowments for the future, that is our only duty, and so far as we can exercise that power you may take it for granted that we are willing to do it.

Rev. R. G. Webster.—Then the only thing for you to consider is whether it is for the good of the public that there should be a Female Reformatory.

682. Monsignor MORLON.—No, but whether you have a reasonable hope of being able to carry on a Female Reformatory. I think the best guarantee of that would be if you get the public to subscribe as much money as will give you a clear balance sheet to begin with.

Rev. Dr. Monahan.—I am quite sure that if we had the help of the Scheme, before it would commence operation in six months hence, we would have cleared off every penny of our debts.

683. Lord Justice FIRZGRISSON.—Now, I will just tell you the way your position stands as here, and I will state it in a shape that you may take as official, and which, I think, ought to assist you, if you desire to carry on the School. If your intention is to wind up the affairs of both the Rehoboth School and the Cork

Court School, and to discharge the liabilities of the two institutions, where no wound-up and brought to an end, out of their capital, that is not an object that comes within our Act at all. The right to spend capital in discharge of past liabilities, the process of winding up an institution, the power to determine whether these things can be done or not, are matters not within our jurisdiction. They rest with the Commissioners of Donations and Bequests, or the Court of Chancery, and from the frame of our Statute, we could not interfere at all for the purpose of assisting to wind up an Institution, which was to cease to be an Educational Endowment. Our Act was passed, on the contrary, to provide for the future government and management of continuing Endowments. Therefore, if your determination should be that it is not expedient to continue the Cork Street School, and that it is necessary to wind it up, with every desire to assist you we have no power to do so, and we could go no further in the matter. If, on the other hand, on consideration of all the circumstances, you come to the conclusion that from the point of view both of charity and of evidence it is desirable to make an attempt to continue the Cork Street School, we will then do all that is in our power to assist you to make the Cork Street School a sustainable Institution, and to aid you with the money that is in the hands of the Charitable Donations and Bequests Commissioners derived from the Rehobeth School, which has been closed. But before it is possible to regard the Cork Street School as at all likely to live, it would be absolutely necessary that the premises and the sum of £30 Irish should be discharged from debts and liabilities, and that, in addition to the Government allowances, a reasonable sum of money should be available as annual income in the future. No source is suggested for such a sum except the benevolence of the public. It has been absolutely necessary, though you don't seem to have realised it, for a number of years back, that an annual income should be derived from outside sources in the shape of voluntary subscriptions, as you have no Endowment beyond the £30 Irish, and the buildings, and the Government payments, all wholly insufficient in the case of a small school. Therefore the first condition for the formation of a Scheme under jurisdiction we possess is that you should raise a considerable sum of money. No one can assure you that you will have a permanent income, but we are perfectly willing to act in your case as we have done in many other charitable cases, upon the assumption that if people have subscribed in the past they will subscribe in the future, and that buildings, which can only be maintained by annual subscriptions, may be an Endowment for which it is both possible and useful to frame a Scheme. But before you can reach that position you must get rid of your liabilities, and on that point we may be able to help you, besides giving you a constitution for the future. The present liabilities are at least £450, and the only money that is available towards meeting them is the £254 Government Stock, whatever dividends are accruing thereon, and £22 due by the Treasury, leaving a deficit of, say, £120. But during all the time of your making any collection, and getting your feet under you as a self-supporting body, the bills are running on, the children have to be fed, and the salaries paid; and, therefore, there can be no doubt that even the £300 which Dr. Teall mentioned, would barely make a line ball for you to start with after you had got the £254. Now, I have already told you that we have no jurisdiction to pay the £254 for the debts of a deceased or dying Institution. I am not saying that you could not do it, or that you have no right to do it, but it is not within our duty to do it for you. On the other hand, we can apply the money to facilitate the maintenance or to increase the stability of the Cork Street School. But you must make out for the public, if not for us, a clear statement of your pecuniary position in a form that would

pass an ordinary accountant, and then we can modify this Scheme. If the adverse balance is all discharged except £254 to £d., and if you show that you have not incurred any further liability, but have paid your way, then we can put in a power which would enable the Commissioners of Charitable Donations and Bequests to apply the £254, not for the purpose of winding up an old Institution, but for the purpose of relieving, from so much of its liabilities, an Institution which it is desired to keep up. You must feel yourselves that the position of the manager and committee is one of very great difficulty; it is not of our making, but principally arises, I would say, from not having kept accounts showing liabilities as well as expenditure. A clergyman is not always able to keep accounts, and charity accounts are more liable, perhaps, to get into mess than other accounts, but the account that is stepped the better. You must have your accounts put into a proper state, and fix some date from which you will start with your expenditure and receipts. The balance will necessarily be adverse, and that balance we must show on the face of the Scheme, and we must provide that it is to be so far reduced before you get any money from the Commissioners of Charitable Donations and Bequests, that the fund in their hands will completely clear the Cork Street School.

Rev. Dr. Monahan.—Here is the balance sheet when we were able to pay, and did pay everything.

653. That was in 1883, but what has gone wrong since is very plain, the schedule of payments and liabilities has included only money actually paid, but there have not been included debts that were occurring.

Rev. Dr. Monahan.—There is the heading of "Borrowed Money."

654. Yes, but the unpaid bills do not appear, and an Institution of the kind, if it was managed on business principles, ought to pay its bills at least every quarter.

Rev. Dr. Monahan.—And so we did.

Rev. A. L. Elliott.—As one of the ordinary members of the committee I should like to say that these transactions have been done by Dr. Monahan without consulting the committee, and the question of the responsibility of individual members of the committee is entirely open.

655. Lord Justice FERGUSON.—That question we cannot enter into, but even being nominally on the committee involves great risk of liability if the accounts are not properly kept. Do you think we could do anything more for you?

Rev. R. G. Webster.—From what period ought we to start?

656. I would strongly advise you to balance your accounts on not later than the 31st of December.

Rev. R. G. Webster.—We have made up this account to the 31st of October.

Rev. A. L. Elliott.—But that is only one side of the account, what is due to us is not included in that at all.

657. Lord Justice FERGUSON.—In trying to make out how you stand we have taken all the figures as we get them from you. There is £40 coming in to you, on the other hand there is £400 due, and, therefore, if you don't get the £254, you would be under water about £370. Money must be got somewhere; the only place suggested where it can be got is from benevolent people who will pay your debts for you, and the only way you can induce people to help you is by showing an account of what your debts are, and what you are going to do when you have paid them off. You can put into your appeal a statement of what I have told you now, that your receiving any relief from any action of ours must be dependent upon your showing that you can keep the Reformatory School open for girls in the future. If you are able to do that, the demand on the public for past liabilities will be relieved to the extent of £254 if the other

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authorisation concerned in passing our Scheme don't throw it out.

**Rev. R. G. Webster.**—You say that we must have a clear balance sheet, may we take the 31st of October?

**Lord Justice Fitzgerald.**—That will be a very good date, but you must carry on the account of current expenditure. Show exactly how much money on October 31st would have enabled you to pay 20s. in the £1 without taking into account the capital value of the buildings. You must publish that when you appeal for money, and from that date in a current account you must put down all you expend and all you receive.

**Mr. TRAILL.**—Could you not add to your accounts up to the 31st of October, at least an estimate of what the Institution would require during the time this is hanging on, or at all events to the 31st of December?

**Lord Justice Fitzgerald.**—There is another very serious matter which you should look into. Your current expenditure is every day increasing; your liabilities and the amount of salaries and outlay is far beyond your income. It may be unpleasant to cut down the pay of people in your service, but on the other hand you cannot pay what you have not got.

**Rev. Dr. Monahan.**—We are obliged to expend money long before it is paid to us.

**Mr. TRAILL.**—No doubt, that is one of the difficulties of the case, but the Government money that is coming in is only, as far as I can make out, about £5. in the £1 of what you are spending or rendering yourselves liable for.

**Rev. T. Long.**—Won't it be six months before you will do anything for us?

**Mr. TRAILL.**—The Scheme cannot come into force for nearly six months, but that six months is the time during which you must comply with the condition of raising money to keep the place going, so there is no loss of time over the Scheme. You cannot get the £554 for six months, nor even at the end of six months, unless you are then in a position to carry on the School, and it will take you a long time, I am afraid, to get the legs under this Institution.

**Monsignor Molloy.**—If they set about it energetically, they will do it either in six months, or not at all.

**Mr. TRAILL.**—**Lord Justice Fitzgerald.**—Dr. Andrew, you are a business man, do you understand how it has been about?

**Dr. Andrew.**—Yes, I understand.

**Lord Justice Fitzgerald.**—We can only help you to the extent of about ten shillings in the pound.

**Mr. TRAILL.**—Why don't you put more money on the committee?

**Rev. R. G. Webster.**—The entire of the work has been in the hands of Dr. Monahan, who has had a great deal of trouble, and then committees were merely nominal committees assisting Dr. Monahan in drawing cheques.

**Mr. TRAILL.**—**Lord Justice Fitzgerald.**—You must be very cautious in ascertaining that in any statement you lay down you don't forget any bills. It is a very difficult thing for people living from hand to mouth to know all their liabilities. I think it would be wise for you not to have the Scheme signed until you see how far you are going to succeed with this effort to raise money; if you could get one or two agents to take an interest in trying to get you out of this mess, they would be very useful people to put on your Governing Body.

**Rev. R. G. Webster.**—I noted one or two small points in the Scheme.

**Lord Justice Fitzgerald.**—We will consider them. As to the liabilities "properly payable out of the Endowment," we must ascertain and decide on the face of the Scheme itself, that so much money was due on the 31st of October, 1892, and provide that, out of that money, £254 may be discharged by the Commissioners of Charitable Donations and Bequests, on their being satisfied, within a fixed period, that the balance has been paid off. The other amendments suggested you can have if you like.

The Sitting then concluded.

## PUBLIC SITTING—FRIDAY, DECEMBER 16, 1892.

At the Schoolhouse, Kilmeague.

Present:—**ANTHONY TRAILL, Esq., LL.B., M.D., F.T.C.I.B.**; and the Rev. H. B. WILSON, D.D., Assistant Commissioners.

F. REDMOND, B.A., Assistant Secretary, was in attendance.

### Scheme No. 131.—THE KILMEAGUE SCHOOL AND PERCEVAL ENDOWMENT.

(OBJECTIONS AND AMENDMENTS.)

Mr. William Fry, Junr., Solicitor, appeared for Rev. George Garrett, Incumbent of Kilmeague, and Surgeon W. J. Wheeler, the Trustees; Mr. Henry, Solicitor, appeared for the objectors to the Draft Scheme.

**Mr. TRAILL.**—Dr. Traill said—I am sorry that Lord Justice Fitzgerald and Mr. Justice O'Brien have been unable to come down. Dr. Wilson and myself appear to-day on behalf of the Commission to consider the objections that have been lodged with us against the Scheme which the Commissioners have already published for this Endowment. The first inquiry you will remember was at a public sitting held in Dublin on the 13th October, 1891. On that occasion we took the evidence of various witnesses, and Mr. William Fry, Solicitor, appeared for the Rev. Mr. Garrett, the manager of the school, and Mr. Stansell, Solicitor, appeared for the parishioners. It is not necessary for me to go into the history of the Endowment which was entered upon at the previous inquiry. Our special business

to-day is to consider the objections that have been lodged on behalf of certain parishioners, principally in one or two points. One question raised by the objectors is as to the suitability of the building in which we are now sitting for the new school. There is another question as to the suitability of the old schoolhouse in the event of the Commissioners being allowed to spend money on it and remodel it. We all thought that without a personal visit to the place we could hardly form an opinion on these points. There are three objections. The first is from certain parishioners of the parish of Kilmeague who have signed the objection, namely, Joseph Laganhy, Churchwarden, and Francis Hill, George Lowe, William Henningay, Samuel Strong, William Thornton, Joseph Carter,

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James H. Wilson, William Spenser, Samuel T. Carter, Robert Spenser, William Price, William Curtis, John Flannigan, and William Tyrrell, parishioners.—  
Second objection is a short one from Dr. Wheeler, Esq.—

—Before I accept the proposed Scheme, I would request it will be altered into conformity with the Class scheme which I expressed myself ready to adopt."

The third objection is from the Rev. George Garrett, Vicar of Kilmeague, who says:—

"I think it would be desirable that the parishioners of Kilmeague be invited and encouraged to subscribe to the funds of the School as a condition for having the representation the Governing Body asked for by Mr. Scammon. By giving that slight alteration in the proposed Scheme it will obviate, too, practically into conformity with the Class scheme which Mr. Wheeler, my co-counsel, expressed himself willing to accept."

These last two objections don't deal with the real substance of the dispute which appears from the objection of the parishioners. They allege that this building, in which we are at present, is unsuitable for school (1) because the situation is cold and exposed; (2) because the sanitary conditions are very unsatisfactory; (3) because there is not a supply of water; (4) because there is not space for a playground; and (5) because the premises are subject to a considerable headwind. The objections state that if the School be removed from the old schoolhouse premises, very many parishioners will not send their children to the school all or some of the reasons aforesaid. They depict the old schoolhouse as more suitable in every way than the proposed new schoolhouse, and although small outlay, which the parishioners are willing to meet, would be quite adequate for the needs of the district. It is more conveniently situated for the general body of parishioners and more likely to be availed of. There is sufficient ground round it for the pur-

pose of a school and recreation grounds, and the premises are free of rent. The objectors also allege that the agreement of the 9th of July, 1891, recited in the Scheme, is now incapable of being carried out, as the yearly tenant referred to therein has had a fair rent of his holding fixed by the Irish Land Commission, and has stated his refusal to give up any part of the lands adjoining the new schoolhouse. Without the portion of land referred to in the said agreement, the new schoolhouse would be most unsuitable, even if an other suitable site were available. The objectors also object to so much of the Scheme as requires a payment of £10 per annum as a condition for representation of the Select Vestry on the Board. They also object to the appointment of William Ireland Wheeler, Esq., as a Governor for his life, as they fail to see what benefit he has conferred on the Endowment. In the opinion of the objectors, the removal of the School to the new premises can only result in loss to the Endowment, and injury to the educational efficiency thereof. Mr. Henry, as you appear for the objectors, the most convenient course would be for you to state anything that you have got to say on their behalf, and then to examine your witnesses to whom Mr. Fry and Mr. Garrett can put any questions they may think proper.

Mr. Henry.—I would be glad to know what line you wish me to take.

636. Dr. FRASER.—Lord Justice Fitzgerald thinks the points to be brought out are—the suitability of the present site; the inclination of the County Court Judge to accede to the application for a playground—he has reserved his decision, and whether the Scheme is or is not to wait on him is a matter we don't know; the number of children the fifteen objectors have, and are sending to the school; and the position of the objectors with regard to the school.

Mr. Henry.—I shall call evidence at once.

*William Curtis sworn and examined.*

637. Mr. Henry.—Have you given evidence before the Commission already?—No.

638. Do you reside in the village of Kilmeague?—Yes.

639. You have known this old schoolhouse for a good number of years?—I have.

640. Were you educated yourself in the School?—I was.

641. You had nothing to complain of in the matter of the condition of the School?—Nothing whatever—now.

642. Did you ever hear any complaints arising from the unsanitary condition of the schoolhouse?—None, during my time. It is in better order now than it was then—far better.

643. Was there much sickness amongst the children of the time?—Never any sickness.

644. About how many children were there on the hill at the time you were there?—Well, I think there must have been close to seventy children going at that time. There was a very large number—much larger than is going at the present time.

645. There were no closets there at that time?—It was after I went that the closets were built.

646. What was this house built for?—This is a Petty Sessions House. Originally it was a Methodist Meetinghouse.

647. And then it was taken over as a Petty Sessions Court?—Taken over by the landlord for a Petty Sessions Court.

648. Of course you are thoroughly acquainted with the effect of the climate here?—Yes, the coldest part of the place is this on the top of the hill. The winter here are very severe.

649. Have you heard people complaining of the cold to a considerable extent?—I have, I heard all the parents complaining of the children being cold, and getting colds in this exposed place.

640. You see the arrangements that are made for ~~written~~ sanitary purposes here?—Indeed I do—extraordinary arrangements, certainly.

641. What is the nearest point from which water can be obtained here?—Some place below the old schoolhouse. There is a pump in the village. It belongs to the landlord, and is for the use of the houses.

642. Where is it?—At the back of the house in the street.

643. On the right hand side as you go down the street. I mean the row of houses in the town?—Yes, but that pump is very often dry for two months and there is no water nearer than over twenty porches from the old schoolhouse—no other water available.

644. I understand that when the school was opened here at first there was a space at the other side of the road that was used by the children as a recreation ground?—Yes, Dr. Wheeler paid rent there for a couple of months, but he got tired of it. Is that playground given up?—Yes.

645. Who is in possession of it now?—Mr. Channell, the Petty Sessions Clerk.

646. So that there is no playground except the street in front here?—No.

647. From your experience of the weather do you think it at all a suitable place for a playground?—It is quite the contrary; it is not at all suitable.

648. If they got a portion of your holding that I understand abuts on the back of these premises, do you think the top of the hill would be any improvement on the street?—Not at all.—I think you would make it worse, you can scarcely stand up there on a cold day. My cattle would not step out in the field on a cold day.

649. Are you one of the parishioners that would be willing to subscribe to a fund to improve the old schoolhouse?—Yes, I would subscribe to improve the old schoolhouse.

Dec. 31, 1885.  
Witness  
Carter.

720. As a matter of fact as long as you remember both the schoolroom and the residence have been there on the old site of land—I—Yes and there were more children going to it then.

721. Is there anything else that you want to state that I have not asked you?—Nothing.

722. Mr. Fry.—How many of your children are attending the school at present?—None.

723. Are you a married man?—No.

724. How many years ago is it since you were educated at the old school—I suppose over twenty years.

725. Who was the schoolmaster then—was it Mr. Pepper?—No, Mr. Hester and a man named Moorhead.

726. Were they married men?—Mr. Hester was.

727. How many children had he living in the house?—Eleven.

728. And seventy-two children were attending the School according to your evidence?—Fully up to seventy.

729. And the man and his wife and eleven children living in the house—is that your evidence?—Yes; I believe there were seventy children attending.

730. As regards the sanitary arrangements of the old place, were there proper sanitary arrangements at that time?—Not so good as there are at the present time. I remember the closets being built below at the old schoolhouse.

731. The places that are there now?—Yes.

732. We have had the advantage of seeing them?—Indeed they are no great sight to see this morning.

733. Are you the owner of this adjoining piece of land?—I am.

734. There is some litigation going on in reference to it—I—Dr. Wheeler and Mr. Garrett and the landlord brought on some litigation.

735. Are you the person that got up this memorial?—The whole parish got it up.

736. Did all the persons whose names purport to be attached to it sign their names and addresses?—To the best of my belief they all signed it, but I did not see them sign it. It was not I that got it up.

737. Did you summon a meeting in reference to it?—Not I in particular.

738. Were you one of the prime movers in summoning the meeting?—I was not. There were several others more important than I.

739. Did you draw up a resolution and propose it at the meeting?—I assisted to do so.

740. Did you send it to the *Daily Express* and the *Kildare Observer*?—I certainly did. Dr. Wheeler threatened to take an action against me for doing so.

741. Then I may take it that you were the prime mover in these objections?—Not at all. I was not, nor anything like the prime mover. I only took an humble part. More important men were the prime movers and they are here.

742. Who made the complaints as to the present schoolhouse?—Several of the parishioners.

743. What are their names?—I heard Joseph Launby complain.

744. When did he complain that his children were cold in the School?—I heard him complaining this very day.

745. What did he say?—He said that the schoolroom was cold, and that it was too exposed for the children.

746. Did you not ask him was he prepared to swear that?—No; he volunteered that statement. He was asked, but I did not ask him.

747. He volunteered?—I heard him stating that to the people that asked him, and Joseph Carter stated the same.

748. Dr. TRAILE.—When you say that the situation of this schoolhouse is cold and exposed, you refer to its situation on a hill?—Yes.

749. Is it not an ample building, and of sufficient size that it could be made comfortable enough, certainly, any place can be made comfortable by money.

750. There would be no difficulty in heating the cold and a little expenditure would certainly make this room quite suitable for a schoolroom.—I do not deny that at all.

751. As to its sanitary condition being unsatisfactory, you appear to be a good deal responsible for that yourself?—No, no.

752. I examined the premises, and found the water closet arrangements were cut off owing to your action, and it is said that the present arrangement of a mould closet is a temporary expedient owing to the difficulties you have thrown in the way?—What difficulties have I thrown in the way?

753. I understand that you won't permit any one to go on your land to make the necessary arrangements connected with this house?—Certainly not.

754. Then you are responsible?—Because the schoolhouse is not required.

755. Supposing that it were to be worked, isn't it a serious arrangement that you should be prone to interfere with a National School and make it useless to the public by interfering with the land around?—The public don't want the School.

756. Supposing that the public did want the School, are we to understand that you are going to interfere; you are not able, I may inform you?—I will try.

757. To obstruct the thing by preventing persons from going on your land?—I would not obstruct the School were required.

758. You would be ready to accommodate them?—I would be quite ready and willing to do as if the School were required.

759. Then the schoolhouse is not unsuitable if the sanitary arrangements were carried out?

Mr. Henry.—I don't think he says so.

Dr. TRAILE.—Ask him.

760. Mr. Henry.—Do you think the sanitary arrangements could be made proper here?

Witness.—They never could be made proper even if they had my field. There is no drainage from this.

761. Dr. TRAILE.—Explain why the sanitary arrangements could not be made complete!

Witness.—I want to know where the drain would run to. If you are on the top of a hill it is not hard to send the drainage down into the street.

762. I did not say to send it down into the street. It is quite obvious. It does not necessarily follow that there should be drainage. There would be no difficulty in my mind, if the land were got, in putting privies or other necessary arrangements outside, which could be without water or earth, when there would be plenty of space and room around. It appears a curious thing to say that sanitary arrangements could not be carried out. Surely you don't consider there could be any possible difficulty about my accommodation?—I don't know where the drain would run to.

763. No drainage would be necessary. Sanitary arrangements could be made without drainage. I will ask you about the supply of water, which appears to me to be a serious question. How is the village supplied with water?—There is a single pump for nearly two houses, it belongs to the landlord, and is for the use of the houses.

764. What is the depth of the well?—Thirty-seven feet.

765. How near does the water come to the surface?—There is about six feet of water in the bottom of the well.

766. Is it a force pump that is used?—No, an ordinary wooden pump. There is a pump of the same depth in my yard, and when the other pump was dry they sent to me for water but I refused it.

767. Is there no stream about?—No.

75. Who is the landlord of the village?—Sir John Aymer.  
 76. Mr. Fry.—Isn't he the landlord of this place?  
 77. It is the same landlord all round the village. There is no water at all here. I suppose you would get water 300 feet down. There must be a fall thirty feet or more down from this to my pump, which is thirty-seven feet deep.

78. Dr. TRAILL.—Was any attempt ever made for a pump up here?—Never. There was at first a pump at Robertstown and they could not get a drop of water.

79. With regard to the objection about the space in playground, if the Chairman gives the land will not be got over at once?—I don't know that, it might.

80. At present there is no playground because they have not the use of any ground; but if they had an acre of the field here, would not the difficulty about a playground be got over?—I suppose if it ends against me it would.

81. The premises here are subject to a considerable rent. What is the head rent?—The rent of this Session House is £10 a year.

82. I understand that Dr. Wheeler has made a payment in advance?

Mr. Fry.—For ten years. It is only £5 a year net.

83. Dr. TRAILL.—So that for the next ten years except there will be no question about the rent, is there any Endowment attached to this place?

Mr. Henry.—Yes; a money Endowment producing about £50 a year.

84. Dr. TRAILL.—(to witness)—If the rent is paid for ten years and there is an Endowment of £50 a year, would there be no difficulty in paying £5 out of it?—Endowment was for a different thing—for paying schoolmaster and not paying rent.

85. Is it an old Endowment?

Mr. Fry.—Of 1845.

86. Dr. TRAILL.—When the schoolmaster is also paid by the National Board it does not require the rest of the £50 to pay him?

87. Then—but if they want to have a good schoolmaster!

88. There would be no difficulty about it. Under our Scheme we can make the £50 liable to the head rent.

89. It would be very unfair to take it away from the School and make it pay rent.

Mr. Fry.—The trusts of the dead are open.

90. I am satisfied that the trustees are ready to do what they like—I am satisfied of it.

91. Dr. TRAILL.—(to witness)—Is there anything more you wish to say about the thing generally?

92. Wilson.—Nothing more, except that we object to the School being changed.

93. The Rev. Dr. Wilson.—As regards the site, which of the two schoolhouses is the more convenient for the general public to attend?—The schoolhouse below—the old schoolhouse. The parishioners offered to put the old schoolhouse into proper order, but Mr. Garrett would not allow them to touch it.

Rev. G. Garrett.—That is a mistake.

94. Rev. Dr. Wilson.—Where do the children come from?—They come all round from different sides. This is the more central place.

95. Dr. TRAILL.—Within what radius do the children come?—Is it more than two miles?—Five or six orphan children come four miles.

96. Are they all Protestant children?—All Protestant.

97. Do many of them come from the town?—Ten or twelve, I dare say.

Rev. G. Garrett.—Twenty-two.

98. Dr. TRAILL.—(to witness)—Mr. Fry asked you some questions about the old schoolhouse and the accommodation it affords. We were looking at it this morning. It does not appear to be sufficient both for a residence and a schoolroom!—The parishioners offered to enlarge it, but they would not be allowed to do so.

99. There are four rooms no doubt, but all the rooms are not more than sufficient for the schoolmaster's family?—The last man that resided in it—Mr. Pepper—had nine or ten children.

100. That could not have been sanitary!—We never heard of them getting sick. It is not like here where they are getting colds every day.

101. There is plenty of ground there to build further school accommodation upon!—Certainly there is.

102. What amount of money do you think that those people who are so strongly interested in keeping up the old schoolhouse could collect in the parish?—I am sure there would be £50 collected. It would build a good wing to the schoolhouse.

103. Mr. Henry.—It was not the intention to give a contract in the ordinary way!—No, not to give a contract.

104. The idea of the parishioners was to draw the stones and to do the work!—To draw the stones and bring the lime and sand.

105. In your opinion could a large wing be added there for £50 or £60?—A very large wing.

106. Dr. TRAILL.—Did you ever canvass the people here to see how much they could be got to subscribe?—I think there are two men here—Mr. Lowe and Mr. Thornhill—who will be able to tell you.

107. What would you put down yourself?—Whatever I see others put down. I wasn't in the least as far as that is concerned, I never was.

#### George Lowe sworn and examined.

108. Mr. Henry.—You were educated in this school yourself?—Yes, I was.

109. And all your family were educated there?—Yes.

110. From your knowledge of the parish and of the people who would attend the School—I mean the Protestant children—which is the old site or the new site the more central?—I think the old site is. I know one family who, to the best of my opinion, have a house four miles to this place.

111. Do they pass the door of the old School?—They do. It is a pity to see those little children on a cold day going such a distance.

112. Mr. Fry.—What is the name of the family who live in come the four miles?—Children named Wynn, they are orphans. I often see the ass's cart that carries them; and I have seen it at the old schoolhouse on the acre of land.

113. Mr. Henry.—Put up there?—Yes.

114. You have no children to be educated at present?—No.

Box 15, 1892  
William  
Cartie.

Per M. T. M.  
George Lowe.

would. I don't see what better place there is than the old place. Sickness was never known to be in it; and mostly there was a large family with the schoolmaster in it, and they were not in the habit of being sick. I never heard my complaint of sickness in it, and I know it I suppose seventy years—it can't be less.

808. Do you think it at all objectionable having the school so near the village?—I object greatly to it. There might be many boys who might be tempted some way or another to go into the public-house, and I object to it on that account.

809. Is there anything else you have to add?—I would not like to see the school moved from the old place. I hear it is to be sold. I think it would be frightful to sell what has been left to the parish free, with an Endowment besides to pay the master, a schoolhouse, and an acre of land, which I always heard was to be rent free for ever.

810. Dr. TRAILL.—Of course if it should be sold the money would take its place and this place would be available.

Witness.—This place is free of rent only for ten years.

811. The money that would be got by selling the old place would still be there. The mere selling of the thing does not mean parting with it.

Witness.—Well, it would be a hard case that it should be sold. I don't think there is a single person in the parish that would not be against it.

812. Would you rather have it as a residence for the master?—I would. It would be a horrid thing to sell it.

813. Would it satisfy your mind if the master was to reside there?—It would not satisfy my mind; but if we could not have it better I would have to be satisfied.

814. Mr. Fry.—You must be a good staunch Conservative; why are you so fond of the schoolhouse?—I was always sound and loyal and never held any dislike to any man.

815. What about the playground you are speaking of—was it a playground for the children at the old schoolhouse?—Yes, there is an acre of land.

816. Wasn't it tilled and part of the master's perquisites?—I heard Mr. Gardiner—

817. Don't mind what you heard; wasn't it tilled as long ago you remember by the master?—One side of it was.

818. Didn't Mr. Pepper till it—I have no recollection. There was one part of it that used to be tilled.

819. Had the children a play hour at all?—Oh, they used to be out.

820. Wasn't there an objection to their being out because at the same time the Roman Catholic school children broke up?—I don't know.

821. Is that true—now you have taken such an interest in it—is this true?

Dr. TRAILL.—Was this evidence given on the former occasion?

Mr. Fry.—It is Mr. Pepper's evidence, given at the inquiry in Dublin.—(Report 1881-2, p. 31):

“Q. 367. Mr. William Fry.—You tilled the land yourself?—Yes.”

Witness.—There was half of it.

Mr. Fry (reads)—

“Q. 368. Where did the children play?—They had no play house. Q. 370. Dr. Traill. You say that the children had no play house. What do you mean?—It was recommended by Head Inspector Newell that we should dispense with our play house in consequence of another school being there convenient to us under the Roman Catholic clergymen of the parish for fear the children would come into contact with one another.”

Witness.—In my time we had a play house.

822. Dr. TRAILL.—How far is the old School from the Roman Catholic school?—I think about half a mile.

823. Mr. Fry.—How long is it since you were at the School?—A long time.

825. Fifty years!—I think it is and over.

826. At that time how many children had the master—eleven?—I could not exactly say, but I know some of them had ten and eleven children.

827. And they all lived in the one room?—Then was a kitchen and a small room.

828. And they were all in that!—Yes, there were two rooms, one for the girls and the other for the boys, in my time. Mr. Preston attended the School regularly. He was the minister at that time.

829. Do you think the present sanitary arrangements at the place down below are good?—Of course if they were kept clean they would be. They were always accounted good until Mr. Garrett came out.

830. Is there any proper drainage down there?—There is a good fall.

831. We heard a few minutes ago that the place could not be worked here without drains. Are there any drains at all down there?—There is—there will be some.

832. Are there, as a matter of fact, any drains in this place that we saw?—There is outside on the rail. There is water.

833. Dr. TRAILL.—One of your objections is to Dr. Wheeler being appointed a Governor. You say “we fail to see what benefits he has conferred on the School.” What is your objection to Dr. Wheeler being appointed a Governor, when he has put his hand into his pocket for the Institution?—For my part I am afraid that the Endowment money might be taken out again, as it was before by Mr. Ireland.

834. That could not be. When we form the governing body under the Act of Parliament they will not be able to touch the principal money, because it will be in the hands of the Commissioners of Charitable Donations and Bequests.

Witness.—Would no man be allowed to take it out?

835. Dr. TRAILL.—Certainly not. When one goes into that office you may be quite sure that it never will be taken out.

Mr. Fry.—It has been there for the last ten years.

836. Dr. TRAILL (to witness).—You heard, I suppose, that Dr. Wheeler might take it out?—He might and he might not.

837. Mr. Henry.—Wasn't your objection that, by putting in a Life Governor, there would be one man voting, and you did not think that the principle would be for the benefit of the parish?—Yes, I think it would not be for the benefit of the parish.

838. Dr. TRAILL.—Aren't you always in favor of putting in gentlemen who have got money in their pockets, and are ready to help you when you want money?—He has proved that he is ready to do so by paying £50, ten years' rent in advance. Do you object to Dr. Wheeler on personal grounds?—I don't. What I would like to know is, what is Dr. Wheeler's intention to give, to do with the schoolhouse at all?

839. I don't know that it is in intention only. In that he has put his hand in his pocket.

Witness.—It looks very bad.

840. I want to ask Mr. Curtis is his objection Dr. Wheeler a personal one?

Mr. Curtis.—It is not. He has done nothing, far as we can see.

Mr. Fry.—He is a trustee of the School, and there is the receipt for £50.

841. Dr. TRAILL.—How did he come in as trustee?

Mr. Fry.—Mr. Garrett was the surviving trustee, and I hold the deed of appointment of 1881 under which he is appointed. He has property here.

Mr. Curtis.—He has a small bit of property here.

Mr. Fry.—He has shown his bona-fides, for there is the receipt for £50, being ten years' rent of the schoolhouse.

Mr. Henry.—What the objectors insist most of all is that this £50, which has been made up much of, was contributed by Dr. Wheeler to carry out

what they consider to be a fail of his, which is to get rid of this place, and, I will go the length of saying, to keep it from other religious denominations. They say that this place is unsuitable for a schoolhouse, and that the £50 may be all very well, and a substantial sum for Dr. Wheeler to pay, but that it is no benefit to the parish.

812. Dr. TRAHL.—I could understand the other religious denominations making that objection, but it is not an objection to come from his own religious denomination. At the same time I don't believe it to be true.

Mr. Henry.—There is written evidence of it.

813. Supposing that it were true the objection could be altered coming from the denomination he proposes to benefit. I could understand it from the others, but not from them.

Mr. Henry.—They object to be brought in and made prior to a transaction which they do not think is for the benefit of the parish in connection with education.

814. That is another matter; but what we shall have to report on is whether this is a suitable place for a school, and also as to the other objection that Dr. Wheeler has done nothing for the benefit of the Endowment. There is no question as to the giving of the £50 down, so that obviously he has done something.

Mr. Henry.—Anyone must concede that that is the legal conclusion. The entire case rests on the fact that it is an unsuitable situation. This building can not be made suitable.

815. The objectors say that, "in their opinion the removal of the School to the new premises can only result in loss to the Endowment." How can it result in loss to the Endowment?

Mr. Henry.—Because they would be expending money on an unsuitable place, instead of expending it in the old schoolhouse. The money would be private from being paid for educational purposes because they are not continuing in the old place. According to the evidence given in Dublin in October, 1891, the parish was prepared to put down a substantial sum to improve the schoolhouse below, and they would take a much wider interest in the School if it were there.

816. Their attachment to the old School is evidently very great, and I can understand that they would be willing to put their hands in their pockets to a certain extent. It would be very satisfactory to us if we saw a list of names with £10 and £5 opposite to them, as against the gentleman who has already put £50 down. I want to know how having the School here would make a loss to the Endowment. It is quite clear that the School is going to be kept up it will be impossible for us to sanction it if the schoolhouse is to

be left as both a residence and a schoolhouse. It is quite true to say that the old schoolhouse could be made a good one; but at present, as a schoolhouse, it is not to be compared with this building at all. There is ground there, no doubt, on which a proper schoolhouse could be built.

Mr. Fry.—I want to call your attention to the lease executed to the Rev. Mr. Garrett and Dr. Wheeler on the 9th of July, 1891. It is a demise of these premises to be used for the purpose of a parochial hall and schoolroom, and not otherwise, and the School is not to be limited to any denomination of children.

847. Dr. TRAHL.—The words "parochial hall" suggests a trust?

Wimes (Mr. Lowe).—In the old school no distinction was made between persons of any religion. Roman Catholics were the same as Protestants, for the poorer class of people were those intended to be taught.

Mr. Fry.—You must not take that as conceded.

848. Dr. TRAHL.—The original Indenture of the old schoolhouse of 1829, was to the minister of the parish, to enable the said minister to establish a school in the parish; and it was to the said minister and his successors for ever; and there was to be a residence for the schoolmaster to be appointed by the minister. Every National School is open to all denominations; but, as far as the original Endowment of this School is concerned, it was entirely for a Church School.

Mr. Fry.—And there is a further clause that the schoolmaster shall teach all such children as shall be named to him in the principles and practice of reading and writing the English language and Arithmetic, and to such of them as are members of the English Church, the Church Catechism of the Established Church of England and Ireland, under and subject to such regulations as shall be made from time to time by the minister for the time being.

849. Dr. TRAHL.—All these schools have been open to all denominations.

Mr. Henry.—What does that mean?—That it was nothing more than any other denominational school.

850. The old Parochial Schools were open to all denominations, and the difference between them and the National Schools was that no conscience clause was required, because no person of any other denomination than the Established Church was allowed to come in to look after religious instruction.

Mr. Henry.—Nor does it compel the schoolmaster for the time being to teach the Church Catechism.

Dr. TRAHL.—Except to children of the Church of England.

Mr. Henry.—But the minister is the manager.

Dr. TRAHL.—The present National Schools are on the same basis. Ministers are managers, but the schools are open to all religious denominations.

#### *Francis Hill sworn and examined.*

851. Mr. Henry.—You are the occupier of the farm of land that surrounds this acre of land that we are speaking of at the old schoolhouse?—Yes, on two sides.

852. You know where the present closets are?—I do.

853. You know the drain that runs out at the back of these closets to the cross-roads; is there a good fall?—A good fall. There could be three feet of a fall from the road.

854. Would you be prepared, at your own expense, at one side of that hedge to lay down a sewer at the foot of the field, down to the road?—I would have a sewer never made.

855. Dr. TRAHL.—Is it in the direction of the stream?—Yes. There was always a sewer there, and it was properly looked after formerly. I know the place for twenty-two years. For the last eighteen

months it was never opened. I opened it once to let Francis Hill the swill go into the ditch.

856. Mr. Henry.—You would also be satisfied to contribute to the building of a new wing to the School?—I would.

857. Mr. Fry.—How much, Mr. Hill?—Oh, I could not tell you that—£5.

858. As much as the rest?—I will give £5 to it tomorrow. There could be as much money gathered in a month in the parish as would do.

859. Mr. Henry.—How long have you known the old School?—About twenty-two years.

860. Were you educated there?—I was not. I was only in the place about twenty-two years.

861. You have not heard of any sickness in connection with that School?—I did not. I have one boy—he is in this court—who was reared in it. I always lived next door to it, and I never knew of any sick-

No. 12, 1892.  
Pounds 100

now, but I used to see that passage opened and properly drained out.

862. In your opinion, if the place were kept clean, is there any objection to its sanitary condition?—I think there could not be. There is a good well of water.

863. How far is it from the School?—About twenty paces, not more.

864. Whose field is it in?—On the edge of the high road. In dry summers people get water out of it from this town.

865. The pump goes dry there?—I have seen them sometimes in the winter going to the well when the pump is knocked out of order, but I don't say the pump is ever dry.

866. Is it reported to be the best water about?—No better water. The children always went there to drink.

867. Do you know anything about the temperature up here?—I don't know anything, except the two or three times I was in this courthouse. I have not been ten times in this room in my life.

868. Mr. FRY.—Where do you live?—Up against the School, at the other side.

869. You have an acre that formerly belonged to the School?—No, never. The School had it for a bit.

870. And you got it afterwards?—I did not; my father did.

871. You have no children attending this School?—I have not now. I have a boy that was raised at the other school.

872. He has long left the School?—About ten years.

873. Therefore you are not personally inconvenienced by the change?—Well, I am not.

874. Do you approve of a man and his wife and eleven children living in a kitchen?—I think they lived very comfortable.

875. They lived there very willingly, no doubt. I always saw them in very good health and spirits.

876. Did you hear Sir Charles Cameron's report as to the sanitary conditions of the School?—I would not mind him. He looks after gorgeous buildings at Dublin. There would not have been the stench there at the time he saw it if the sewer had not been left unopened for eighteen months.

WILLIAM THORNTON  
Treasurer.

#### William Thornton sworn and examined.

877. Mr. HENRY.—How many boys have you at a proper age to go to school?—Two. I have seven children, but only two of them are small, the ages of these are ten and eleven.

878. Were you educated in the old School yourself?—I was.

879. Did you ever hear any complaint of sickness from the old School in the old times?—No.

880. You sent all your children there?—Yes.

881. And you never heard any complaints during their time either?—No.

882. Have you sent your two boys to the present School?—No.

883. What is your objection to it?—I do not like to have them about the village here.

884. In what direction do you live as regards this place?—On the north side.

885. In fact you pass this school?—Going to the other there was a pathway—a short way—that made it something about the same distance.

886. Dr. TRAHL.—Which school is the nearest to you?—There is not much difference. Going by the road this is the nearest, but there is a pathway across.

887. Is it up the hill?—No, across the road. I used to go that way myself.

888. Mr. HENRY.—What do you think of the provision here for a playground?—There is no playground.

889. Dr. TRAHL.—But supposing that the field is got?—I would not think it suitable at all.

890. Why?—The field up there is just as cold as the road of a wild day.

891. Mr. HENRY.—I believe the children can hardly keep their feet on the top of the hill?—I very often can hardly keep my feet myself.

892. Where do the Wynn family come from?—From Kiladrum.

893. How far is that?—Something about four miles.

894. Can they come here without passing the other school?—They cannot. The children on the other side of the school must come by it.

895. In your opinion would it be better to fix up the old place by an addition than to continue in this?—It would satisfy the parishioners better—at least a good many of them. We are all satisfied to do what we can.

896. Mr. FRY will be asking you what that means; I may as well forestall him?—It first came a couple of years before there was any talk about this. Mr. Garrett told me one day in my own house that this would make a fine schoolhouse, and that the site was condemned. I said "Could you not get it done up by subscription?" He said he thought not—their would not give anything, and said he to me, "What will you give?" I said, "I will give you £10 to commence with." Of course I thought that if more were wanted I would give it; and I would do so still.

897. What does that mean?—I said in Dublin that I would give £10; and I say now if it is wanted I will give £20.

898. From your knowledge of the parishioners do you think they would support a good school on the other side?—I am sure they would make it work. I am certain that there is a lady in the country who has offered to do it.

Mr. FRY.—Don't tell us that; it is not evidence.

WITNESS.—She sent me word. However, we will do it without her.

899. Mr. HENRY.—You have reason to suppose you would get outside aid from persons not stated here?—Oh, we would do it in any case.

900. You object to Dr. Wheeler being a D.D. Governor?—Well, as far as that is concerned, Dr. Wheeler hasn't done much for the parish in the way of getting this house except paying the £50, and six years of that is nearly over; and when it is over there will be the £5 a year to pay. If this place is sold, of course the money would be given of it. A gentleman told me that he would get £100 for that place below.

901. So there is something about their wanting to sell the other place?—Mr. Garrett said we ought to sell it.

Mr. FRY.—All I can say is that they can't do anything without the Commissioners' directions.

Dr. TRAHL.—They could not sell it unless there is a Scheme to authorize them to do so.

902. Mr. HENRY.—Do you know anything about the supply of water to the old schoolhouse?—There is a well quite near it.

903. Do you think it unreasonable to pay a high headrent for this schoolhouse?—I don't think it would suit in this parish.

904. From your knowledge of the parish do you think that a school on the top of this hill would be supported by the Protestants of the parish?—I don't think it would.

905. You have no objection to Dr. Wheeler personally or a *Lake Governor*?—Not a bit, I have no objection at all.

906. Your only objection is, that he is getting a *Lake Governorship* for a payment of money—that in our opinion is no benefit to the parish—is that so?—Yes; since he became a trustee we have been at all the time.

907. Mr. Fry.—You were examined in Dublin?—In.

908. Where do your two boys who are suitable for school go to now?—I have a man coming to the job.

909. Who is the man?—The old schoolmaster.

910. Mr. Pepper, the old schoolmaster, who was dismissed by an order of the National Board?—I don't think he was.

Mr. Pepper was sworn and examined at Dublin, and here is what he said:—

(Report 1891-92, p. 20).

Q. 911. "Lord Justice FitzGibbon.—When were you master of Kilmacrenna School?—On December 13th, 1861, 1862. That was before Mr. Garrett's time?—Yes. How long did you continue master?—Eighteen years. Are you now retired, or are you still in the service of Ireland?—The Government dismissed me. 910. What are you doing now?—Nothing."

ANS. Lord Justice FitzGibbon said to him:—

"Don't you know that under the rules of the National Board you could not get any retiring compensation except satisfying the Committee of your school that you were permanently unable to discharge the duties?"

I ask no question on Mr. Pepper.

Dr. THAILL.—He said in answer to that, that he was permanently disabled.

Mr. Henry.—His evidence was that it was the manager.

Mr. Mr. Fry (to witness).—Your two boys are being educated by Mr. Pepper?—Yes.

911. And the school is boycotted?—No, not by me.

912. Did you think that the accommodation of the old schoolhouse was good enough for the master and his wife and their eleven children, and the seventy

children who used to attend?—I knew of five or six schoolmasters living in it.

914. Answer my question; were you satisfied with that accommodation?—Well, they might have more.

915. Do you know that the first trust in respect of that piece of ground is to have a proper house for the schoolmaster?—Yes, I saw that after I saw the deed.

916. And that the school was to be a secondary consideration as far as that plot of ground was concerned?—As long as I have known the school, which is about seventy years, the school was there and the master was well, whether they had families or not they were there.

917. At any rate Mr. Pepper had a wife and eleven children?—Yes, and he told me that it did not cost him £1 a month during that time.

918. Dr. THAILL.—When your boys went to the old school, how did they go?—Through the short cut; that was the way I wished them to go.

919. If they came to this school they would not come through the village?—No, they would come by this other road.

920. What is your objection to their coming through the village?—There is a lot of "good boys" about this corner here.

921. Bad boys I suppose you mean. How many of those that went to the old school, besides the Wynns, live on the far side of the old school?—A good many. I don't know.

922. Is it four miles from where the Wynns come to this school?—That is what I mean. It is not so far to the other.

923. Do they walk here or drive?—They tell me they walk.

924. Do they come to this school at present?—Yes.

925. Then there does not appear to be any objection to it as far as the people on that side are concerned. How many people on this side used to go to the old school?—Was it in a centre?—As far as the houses were situated some time ago there were more children on this side.

926. It struck us that the old school was not in the centre of a very populous district; are there many Protestant children in the district?—A few. There were a great deal more; I suppose a dozen or so; I don't know how many; I live two miles from here so that I don't know.

#### *Searns Strong sworn and examined.*

927. You are one of the objectors to the scheme, and pointed at the public meeting?—Yes.

928. Do you think that this schoolhouse here is in itself a place for the children?—I do.

929. What family have you at present that would go to school?—One little boy seven years old.

930. Would you send him here?—No, it is too far.

931. Where do you live?—A mile and a half in the Knowledge direction, about a mile past the old schoolhouse.

932. Were you educated in the old school?—I was.

933. Do you think that the parishioners will ever unanimously support a school here?—I think they never will.

934. Where do you send your boy now?—To the National School, about half a mile from where I live.

935. That is under the management of the Priest of the district?—Yes, the Rev. Mr. Law.

936. Are you one of those who would be willing to subscribe to put the old place in good order?—Yes, I would. The whole parish would.

937. You would do as good as another?—I would do all I can.

938. Do you think the school would be supported well if it were on the old ground?—I think it would.

939. Is there a strong sentiment in favour of keeping it in the old place?—Yes.

940. Did you ever hear of any sickness or anything of that kind in connection with the old school?—Never.

941. If the sanitary arrangements were attended to with regularity, do you think it would be in a good condition?—The best that is to be got in the country.

942. There is plenty of room for an addition to the present schoolhouse?—Plenty, there is an acre of land enclosed.

943. From your observation, and I suppose you passed it very often, wasn't there always a portion of that ground unplied from year to year?—Sometimes there was; it was under grass.

944. Dr. THAILL.—Was there always some of it kept under grass?—No, not always; that land was supposed to be for the use of the school teacher; it was a nice silent place for the children to play in; a beautiful quiet road and no cars or traffic of any kind; the children could play up and down the back road there, and there is plenty of water.

945. Mr. Henry.—A good sheltered place?—Yes, a nice silent place away from the village.

N 2

Dec. 12, 1892.  
William  
Thatcher.

JULY 18, 1888.  
Second  
Sess.

945. Would you object to send your children to the village?—I would.

947. You have no personal objection to Dr. Wheeler?—No, not a bit.

948. But you don't think he is doing any good by putting the school on the top of this hill?—I think he is doing a great deal of harm.

949. But you have no objection to his being on the board?—I would not.

950. Mr. Fry.—You say you were educated in this old School yourself?—I was.

951. Was Mr. Pepper there then?—Indeed he was not.

952. Had the children any play hour at that time?—Well, I don't remember.

953. Did they use this quiet place that was so convenient for playing?—If they wanted to play, they had it.

954. As a matter of fact was there any play hour in the school. Mr. Pepper swore in Dublin that there was not; I suppose we may take that as true?—I forget. It is a good while ago since I went to school.

955. You have one boy aged seven?—Yes.

956. He goes to the National School; who is the teacher there?—Miss Wool.

957. Were your other children educated in that school?—They were.

958. You say the old place is in a splendid situation?—I say it is on a splendid site. I can't tell what condition the house is in at present, but I say it is a splendid site for a school.

959. Would you approve of the master and his family living there and the school going on in the same building at present?—I would approve better if it were larger.

960. But you would be satisfied with the old place?—There were two beautiful schoolrooms and two apartments for the master; and he had the use of a schoolroom.

961. To sleep in?—He could sit and keep his accounts.

962. Where did they sleep at night?—I am not able to say.

963. Dr. TRAILL.—At any rate you think that good accommodation could be built down there and that the parish would put down their money to do it?—Yes; there is an acre of land, and that would be enough for an enlargement.

#### *Joseph Carter sworn and examined.*

964. Mr. Henry.—You are one of the objectors?—Yes.

965. How many children have you that are fit for schooling at present?—Three going to school and six that went to school before.

966. Dr. TRAILL.—Are they boys or girls?—Three little boys.

967. Mr. Henry.—I believe they are six, eight, and eleven years of age respectively?—About that.

968. I understand you live on the north side?—Very convenient to the school—on the north-west side. Here at the very end of the Courthouse,—in or about half a mile off.

969. Were you educated at the old School?—I was indeed.

970. Did you think it was a satisfactory place to have a school for the parish in?—I always saw it as.

971. It was always a successful school?—I was educated there myself and my brother, and seven of my children.

972. You strongly object to sending your children to this schoolhouse?

Mr. Fry.—Don't put words into his mouth.

William.—I object to the cold of this schoolhouse and there is no playground.

973. Dr. TRAILL.—But you don't object to it so far as the convenience of your children goes?—No, sir, I do not.

974. Mr. Henry.—Did you find the old School inconvenient in any way?—I never did.

975. Either in your own time or in your children's time?—Neither in my own time nor in theirs.

976. Do you think the old schoolhouse could be made a good one?—I believe so, with a little cost.

977. And along with the rest you would bear your share?—Well, I would give them a buck pock. I would give them as much as any other man.

978. Mr. Fry.—You have three children going to school at present?—I have.

979. They come here regularly?—They do indeed, pretty regularly.

980. Did you sign your name to this objectant?—I did.

981. Your only objections are because this room is a little cold and because there is no playground?—No playground.

982. Was there a playground at the other school?—I saw a playground always at that time, until Mr. Pepper began to till it.

983. He came in twenty-one years ago?—In exactly twenty years before that.

984. For twenty years past there has been no playground there?—I could not say whether there was or not. I think there was one side of it always left as a playground.

985. Had the children a play-hour?—With some masters they had.

986. In Mr. Popper's time had they a playground?—I saw them playing with Mr. Pepper in the road.

987. Dr. TRAILL.—If this room and house were really well heated, and there were a good playground in the field and the place made comfortable, would you object to it?—I have no objection to it, not a bit.

988. Mr. Henry.—Arising out of that question has there been any difficulty since your children came to the school about the heating of it?—I think some people gave nothing at all to heat it.

#### *Joseph Lazenby sworn and examined.*

989. Mr. Henry.—How many children have you?—Five going to school—two girls and three boys.

990. How many have you altogether?—Ten.

991. I believe Francis Hill has none going to school at present?—No.

992. He might have grandchildren?—I don't think he has.

993. Has George Lowe children?—He has none going to school.

994. William Heningway?—He has children going to school.

995. Do you know how many?—I think six or seven going to school at present.

Mr. Fry.—He has nine altogether, according to his evidence given in Dublin. (Report 1891-92, p. 21, q. 287.)

Rev. G. Gorrett.—They are coming to this school.

996. Dr. TRAILL (to witness).—Your own children are coming to this school?—Yes.

997. There is no other Protestant school in the parish?—No.

998. Mr. Henry.—Has Samuel Strong any child?—

not going to Allen's School—the Roman Catholic school.

1012. William Thornton has deposed that he has two sons going to school at present!—He gets his children right at home in his house.

1013. Joseph Carter!—His children are coming here.

1014. Thomas Wilson!—He has only one—a young boy.

1015. William Spooner!—He has none.

1016. Samuel Price!—Samuel Price is lately married.

1017. Samuel Carter!—Lately married also.

1018. Robert Spooner!—He has children going to school.

1019. Dr. TRAILL.—How many!—Two or three.

1020. Mr. Henry.—William Price!—He has no children going to school; they are all reared.

1021. William Curtis!—William Curtis has none, but is a bachelor.

1022. John Finanore!—He has one little girl. I don't know if she is coming now or not. I think she has gone to school.

1023. William Tyrrell!—His children are done school.

1024. Are you largely interested here!—Yes.

1025. Which of the two schools do you prefer!—Be as near to me—that is the old site.

1026. Which of the two do you give your heartiest support to!—The one below.

1027. Dr. TRAILL.—Do you live near it!—Within easy perches of it.

Dec. 15, 1892.

Joseph  
Lansbury.

1016. Mr. Henry.—What objection have you to this school!—Well, the children complain of the cold, and they are let out to play here in the middle of the day, and it is not a good place for a playground. There are stones on the road, and some of the children get knocked down and hurt.

1017. Dr. TRAILL.—That would be got over if there were a playground in the field!—I dare say—if there were a playground.

1018. And if the room were properly heated that difficulty would be got over!—I suppose so.

1019. Mr. Henry.—Hasn't the heating to be provided by the parishioners!—Yes.

1020. Dr. TRAILL.—Wasn't the old schoolhouse heated!—It was.

1021. Who supplied it!—The children's parents always supplied it—surf or money.

1022. Mr. Henry.—Was it easy to heat the old schoolhouse!—It was easier to heat than this. This is a terrible cold place. I think this is the coldest house in the parish.

1023. You have no personal objection to Sargeant Wheeler!—Not a bit.

1024. But you object to his getting a position on the Board, during his lifetime!—No.

1025. You don't think the £50 is for the benefit of the parish!—I think not.

1026. You think it would be very well spent on the other place!—I do.

#### *Philip Strong sworn and examined.*

1027. Mr. Fry.—You are a parishioner here!—Yes.

1028. Where do you reside!—About half or three-quarters of a mile from here, in the northerly direction.

1029. Have you any children attending this School?—Only one.

1030. Had you any attending the other!—Yes, the same person.

1031. Have you found any inconvenience to be caused by the change!—Not a bit, I never heard her complaining.

1032. As a master of fact which of the two schools do you prefer!—I prefer this.

1033. Do you think it more wholesome to send your children to a large room like this, than to a place where a family of thirteen people had been sleeping in the previous night!—I certainly do.

1034. About the playground. Had the children, as master of fact, a playground to the old school!—I know it nearly always in tillage.

1035. And assuming that we get the field here, will the difficulty of the playground be got over!—Oh, yes.

1036. As regards the question of heating, supposing the room were warmed with hot water, or by some other approved method, would the question of cold disappear!—Certainly it would.

1037. Have you any objection to Dr. Wheeler being made a Life Governor of this school!—Not the slightest.

1038. Do you think it was for the advantage of the parish that £50 should be given to pay ten years' rent in advance!—I think it is an advantage everywhere to have the school here.

Philip  
Strong.

1039. As regards the situation here,—it is hardly a question I need ask—is this situation much colder than any other part of the place!—I consider that a dry place is far superior to a wet low place.

1040. Assuming that land can be got, will there be any difficulty in making proper sanitary arrangements?—Not a bit.

1041. As regards the situation of the other place, do you know the parents of the children that come here!—Indeed, I know them all.

1042. Knowing them all, is this school as conveniently circumstantial as the other one was!—It is a great deal more central. Only two or three families live here, most of them are spread round.

1043. Do you know the Wyans!—I know where they come from.

1044. Hadn't they to drive on a donkey cart to the old school!—Yes.

1045. And therefore there is no great hardship in making them to drive this distance!—Not very much.

1046. Have you heard great complaints, except from those who signed this memorial, about this change!—Oh, yes, I have.

1047. Has it proceeded on the idea that the old premises were going to be sold!—Well, I have heard that too.

1048. Do you believe there has been some misapprehension on the subject!—I think so, a good deal.

1049. Whom do you believe to be at the bottom of all this!

Mr. Henry.—Excuse me, such a question as that is very unfair.

#### *Thomas Maps sworn and examined.*

1050. Mr. Fry.—Are you a parishioner!—I am.

1051. Have you any children!—Yes, four, fit to go to school.

1052. Where are they being educated at present!—Here.

1053. Were they educated at the old school!—Some were then dropped off.

1054. They used to go there!—Yes.

1055. Have you found any inconvenience from their coming to this school!—No.

1056. Dr. TRAILL.—Which side do you live on!—The north side.

1057. Mr. Fry.—How far from here!—Something about two miles.

Dec. 18, 1885.  
—  
Thomas Hayes.

1058. As regards this schoolhouse here, if the adjoining field were got, could not proper arrangements be made for sanitary purposes?—Yes.

1059. Do you think there is any disadvantage in having the school here, having regard to the proximity of the town. Do you think the boys are likely to be led away by temptation?—I don't foresee so.

1060. You are not afraid of sending your children here?—No.

1061. Was there a playground at the other school?—There was when I went there myself.

1062. Didn't Mr. Pepper till it?—I cannot say, for I never went to school there at that time.

1063. There is no objection to the present schoolhouse on the score of the want of a playground?—I have no objection.

1064. Rev. G. Garrett.—Do you object to Mr. Wheeler being a Life Governor?—No.

1065. Mr. Henry.—Would you object to the school being continued in the old place if it were made right, and a new wing were put to it?—I would rather for

the convenience of my children have it here, if the Endowment should not be taken away.

1066. That is on account of its being nearer to you?—It is.

1067. In other respects you have no objection to the other schoolhouse?—I have not.

1068. Would you like to see the acre of land sold?—Well, I would not.

1069. Would you like a power to be given to the new Board to sell it?—No, I would not.

1070. You would not like that power to be given to anybody?—I would not like to see it sold.

1071. Dr. TRAILL.—Would you rather have the schoolmaster living down there or up here?—I would prefer to have the school here.

1072. If the school were kept here, and the schoolmaster kept below, instead of building a new residence for him here, would you approve of that?—I think it would be quite sufficient for him below.

1073. It is not too far for the schoolmaster to come up here?—It is not.

#### Thomas Wilson sworn and examined.

1074. Mr. Fry.—Are you a parishioner here?—Yes.

1075. Have you any family?—Six children.

1076. Where do you live?—In Cooagh.

1077. Where is it?—Half a mile down.

1078. Do your children attend the school here?—Yes.

1079. Did they attend the old school?—One of them did.

1080. How many attend here now?—Three.

1081. I suppose they are young?—One of the boys is eleven years old, another is eight, and the other is six or very near it.

1082. Do you find this school convenient?—Of course it is convenient enough at half a mile distance.

1083. Dr. TRAILL.—On which side do you live?—In the Dublin direction.

1084. Mr. Fry.—You have no objection to this schoolhouse?—None.

1085. You have heard the evidence given to-day about the want of a playground; supposing that the field adjoining were taken, would not that difficulty be got rid of?—Of course it would.

1086. About sanitary arrangements—do you think the sanitary arrangements can be made right here?—I think there can be good sanitary arrangements made here as below; I don't see what difference there is.

1087. Have you any objection to Mr. Wheeler being made a Life Governor?—Not the least.

1088. You think that a man who pays £50 down

shows an interest in the concern—doesn't he?—Yes, I think so.

1089. Mr. Henry.—Are you in the parish?—Yes.

1090. Do you hold any land here?—I am living with my father at present.

1091. Have you any objection to the old schoolhouse?—I had no objection to it, because I wasn't living here at the time it was in use.

1092. Then you are not living long in the neighbourhood?—About a year.

1093. What brought you to live with your father?—I came myself.

1094. Who induced you to come here?—My father.

1095. Who give you liberty to live in this building?—Mr. Garrett.

1096. You feel under a certain obligation to him?—I don't feel under a certain obligation to him, because he did not ask me to do so.

1097. You asked him?—I asked him for liberty to live here.

1098. Dr. TRAILL.—How is it that you are living in this building?—I was living here as curate.

1099. You don't live here now?—No.

1100. Where do you live now?—On the townland of Cooghagh.

1101. You are a labourer and farmer?—My father is a farmer.

1102. Do you work for him?—Yes.

#### Richard Nevitt sworn and examined.

1103. Mr. Fry.—Where do you reside?—In the village of Kilmagee.

1104. Have you any children?—I have.

1105. Are they attending this school?—Three of them.

1106. Did they attend the old school?—They did.

1107. Do you find any inconvenience by reason of the change?—No, but otherwise.

1108. Explain?—It is more convenient to me in the first instance.

1109. What is the second instance?—It is a better room.

1110. And the third—give us another?—There is more space in the room.

1111. We have heard of want of water here; what are your views of that?—Do you think there will be any practical inconvenience here from that cause?—I don't think there will.

1112. How do you suppose this place should be supplied with water?—At present there is a very good pump, at the rear of the village. It is occasionally out of order, but the water is good.

1113. Dr. TRAILL.—Where did the supply come from before the water was cut off?—From the roof of the house.

1114. Mr. Fry.—We have heard that there was a well attached to the old schoolhouse?—Not attached. Close to it. It is there still—very good water.

1115. In what way would you suggest that water should be brought here?—I could not offer an opinion. A well might be sunk.

1116. Dr. TRAILL.—Have you lived long here?—For the last twenty-seven years.

1117. Have you any idea of how the staves lie as regards water, for sometimes it is as easy to get water in the top of a hill as at the bottom of it?—I could not say.

1118. Are there any wells in the locality here?—Not close.

1119. What is the nearest well on the top of the hill?—That at the old schoolhouse.

1120. But on the top of the hill?—There is as well on the top of the hill.

1121. Mr. Fry.—How do the people get water here?—They bring water to it.

1122. Dr. TRAILL.—Where do they get the water?—From the well below—the old schoolhouse well.

1123. They carry it for house use?—They draw it by a donkey or horse cart.

1124. Did they never try to sink a well here?—Not mind the place that I know of. Of course a great many people get water for the use of their houses out of the pump in the village as well.

1125. Mr. Fry.—So that this school could get water from the pump?—Certainly. It is the one landlord.

1126. Have you any objection to Mr. Wheler being appointed a Life Governor?—Certainly not.

1127. Do you think that he has shown a practical interest in the welfare of the school?—I do.

1128. And you have found no practical inconvenience from this place at all?—No, certainly not.

1129. Mr. Henry.—Are you the sexton of the church?—I am for thirty years and more. I succeeded my father as parish clerk.

1130. Apart from its distance, have you any objec-

tion to the old school?—Not a bit if there were no other; but I prefer this to the old one.

1131. Because you are living beside it?—That's one reason, but it is more central in the parish.

1132. Your idea is that a fitting supply of water would be obtained by catching it from the roof?—No, it would not. I did not say any such thing.

1133. Are you aware of any persons having tried to get water on the top of this hill or field?—They tried to get water at Robertstown; it is more than a mile from this. There is water on the top of the Hill of Allen.

1134. Dr. TRAILL.—How far is that?—It is about a mile from the top of this hill, or very little more.

1135. You say that the attempts to get water on the top of this hill have failed?—Yes, sir, I have heard that they did.

*Thomas Murdoch sworn and examined.*

1136. Mr. Fry.—Are you a parishioner?—I am.

1137. Where do you live?—With Mr. Garrett at Glenageary Rectory.

1138. Have you any children?—I have two going to school now. I had five, but three of them are taught.

1139. Where did those children go?—To the old school.

1140. Do you find any practical inconvenience in sending your children here?—None at all.

1141. Is there any objection to this place from the want of a playground?—There is an objection to the position from the want of a playground.

1142. But if the field were got that would be got rid of?—Certainly.

1143. Was there a playground to the old school?—Yes, there was. There was a kind of a playground—half of it in grass and the other side in meadow. They tilled both sides occasionally.

The Rev. George Garrett examined, having been sworn on a previous occasion.

1144. Mr. Fry.—How long have you been Incumbent of this parish?—Seventeen years.

1145. You are well acquainted with the old school building?—Yes.

1146. Dr. TRAILL.—What I want to find out from Mr. Garrett, as Manager, or from the schoolmaster, when both of them, is the number that attend the priest and that attended the old school respectively.

1147. Mr. Fry (to witness).—How many children are coming here at present?—There are about 60 on the roll, and all were here to-day.

1148. From your knowledge of the parish, how does this place suit as regards convenience?—It is much more convenient to the majority. There are two or three families to whom it is inconvenient. Forty-five children are saved the journey to the old schoolhouse from inconvenience of some that have to come here.

1149. How many would save the distance the other way?—Mr. Stern's one child with the Wyans that have been spoken of, and they have difficulty to take their school. There are some other children who are at some little distance—Mr. Lazenby's children; but it is only half a mile.

1150. There are only a few altogether—Eight or ten.

1151. Mr. Fry.—We have heard it stated that there is an objection to this schoolhouse on the ground of its closeness to the village and consequent temptations; is there anything in that?—Well, some twenty-five children are saved going through the village at all by the school having here; but I am thankful to say that, since I came to the place, I have never known of a single child—whatever side they came from—getting into trouble in this village.

1152. Dr. TRAILL.—Is it usual for the boys to drink whiskey?—No, they don't drink whiskey; it is only the men, thank God; and the men are not drinking so much as they used to do either.

1153. Now as to the question of heating, don't you think that at a very moderate outlay this place could be properly heated?—I think it would be properly

heated if they would only keep a little coal in that Ben George fine stove there; there are two stoves.

1154. As regards the sanitary arrangements, with a little co-operation on the part of certain parties outside, could not that be set right?—We would require ground of course.

1155. But there is a closet there?—There is, which Sir Charles Cameron said would do as a temporary arrangement.

1156. Was not your intention when you got the ground to make proper arrangements?—Certainly, we would make them at once.

1157. You contemplated getting the field?—The County Court Judge told us that he would give us two and a half acres for a new residence, a playground and sanitary arrangements to this house; he wanted first to have the report of this Commission, and to know whether this house is to remain the schoolhouse.

1158. In your opinion, having known both schoolhouses, is this the more desirable situation and building?—It is perfectly manifest that it is; that is my conviction certainly.

1159. Dr. TRAILL.—It is insisted that there should always be a supply of water for the children.

Witness.—There can be a can of water easily brought from the pump in the village. The whole village is depending on that pump as well as this house. I have been seventeen years here and I never heard of its being dry, unless the hook were wanting, and a shilling would rectify that. But I believe it has not been known to be dry for many years.

1160. Mr. Fry.—You heard the evidence of some of the witnesses as to its being dry?—It was simply out of order.

1161. Dr. TRAILL.—How far off do you live at present?—Half a mile.

1162. What water supply have you?—From a well in my own field half a quarter of a mile distant; we have a pump in the yard too.

Nov. 18, 1892.

Edited  
Nevitt.

Dec. 16, 1881.

William Vaughan.

William Vaughan sworn and examined.

1170 Mr. Fry.—You are the present schoolmaster of this school?—Yes.

1171 How long have you held office?—I took office here on the 1st of November last.

1172 What do you call yourself?—I am a candidate for second class.

1173 Dr. TRAILL.—That means that you are third class?—Yes.

1174 How long are you in the service of the Board?—Since 1874.

1175 And you never made any attempt to get out of the third class during all that time?—Well, I did once.

1176 And failed?—Yes. (Refers to book)—There are 32 males and 28 females on the school roll.

1177 Mr. Fry.—What is the average attendance?—About thirty-five.

1178 Dr. TRAILL.—What was it for the last quarter?—The average for the last quarter was, males 30·9; girls 15; and for the quarter before, males 30·3; girls 15·5.

1179 Have you found any inconvenience or heard any complaints of inconvenience in connection with this school?—Well, I have heard indirect complaints from the parents.

1180 It hasn't affected the attendance—it has not.

1181 Is this a specially cold day?—It is. Last week was a very cold week and the fires were in good order. I had a conversation with my predecessor here the day before he left. I asked him various questions one of which was—"Do you keep up a fire—is there a fund for it, and do the children contribute?" He said they willingly contributed, and that there was no trouble in getting the fire. He showed a little docket and said he had expended 2s., and there was 1s. 9d. left; and with that 1s. 9d. I got a load of turf, and I gave the children notice two or three times that it was an old rule during my predecessor's time that each family should contribute towards the fire and that I would stick to it. They all knew the rule, but many refused to contribute. I brought the master under the notice of Mr. Garrett and he sent me some coke and told me to keep good fires, and the fires were kept up. Last Thursday was a very severe day, and in the evening Mr. Pepper came into the room to do a little job, and he was struck with the improvement in the schoolroom.

1182 Dr. TRAILL.—I thought you were going to say that he was struck with the new master.

Witness.—No, sir, he was not. He said that the room was very comfortable; and since then I have found no difficulty in keeping up fires. Mr. Garrett sent me down more coke.

1183 Mr. Fry.—Are you living in the old school-house?—Yes.

1184 How many of a family have you?—Myself and my wife and three daughters, and I am expecting another daughter down who is away from home at present.

1185 In your opinion would it be a suitable house for the master and his family to live in, and for the School to be carried on there at the same time?—Not at all.

1186 About the water here, how have you managed since you came; have you carried water?—You see I have been here such a short time that I have done very little.

1187 What do you suggest should be done?—They should have a little laboratory, so that the girls after their school work would have a place to wash their hands, before going to their needlework. There should also be fresh water, but a child should get thirsty; sometimes too, a crumb goes down the wrong way. That can be easily done by having a can of fresh water brought in every morning. The laboratory could be supplied by rain water from a little tank.

1188 Mr. Henry.—I suppose you think a can of

water per day would be enough for your purpose. I am sure of it.

1189 Mr. Fry.—He hasn't been here during the summer yet. (To witness) Have you found any inconvenience up to the present from the want of a playground?—Not the slightest.

1190 What hour do you give for play?—We give to play at half past twelve.

1191 Do you take part in the sports?—I go out to look after the children. I never interfere with them, good, bad, or indifferent. According to the rule the teacher is supposed to be on the spot, not to interfere with the children, but to see that all is right. Normally the time allowed for play is half an hour. We go out at one, and are in at half past one. During the cold weather some of the children sit by the fire while eating their lunch.

1192 Dr. TRAILL.—Do any of them go home?—Or two of them go home. I have heard a great deal said about the cold of the place. Last week was a very hard week and I wanted them to stay in, but they all preferred to go out and play.

1193 Mr. Fry.—Do you think there are any bad results to the children by reason of the public-houses in the village?—Not at all.

1194 Dr. TRAILL.—They would rather have milk than whiskey?—Indeed they would any day.

1195 Do you find yourself much inconvenienced by having to go so far to the School from your present house?—I do.

1196 In wet weather?—In wet weather, or in the afternoon if we close the School at three o'clock, and the District Inspector comes in at five minutes to three I might be kept here till half past three or quarter to four.

1197 Supposing the field were got ready you like residence to be built here?—I think it would suit the School far better, for parents are very fond of making complaints.

1198 At what time do you come yourself?—Always at half past nine sharp.

1199 Have you a monitor?—I have not, but my daughter acts as unpaid monitor, and takes the younger class.

1200 You have no preliminary teaching from a quarter past nine?—No.

1201 Considering the amount of sentiment you heard expressed in court to-day, especially from the old residents and those persons who were educated in the old School and who attach perhaps more importance to keeping up the old house and establishment below than they do to the question of the School building, would you be satisfied that the inconvenience to you would not be too great if you remained in the old building as a residence?—Well, if the manager of the School and the parishioners were to come to a sensible settlement, the mere distance from a residence up here wouldn't affect me.

1202 That is what I wanted to know. Supposing that this difficulty between the rector and the different parishioners—the old residents—were got over by a sort of compromise of the master, namely, that they would not move the teacher from the old building so that it and the acre of land would always be kept a part of the Endowment, would you be satisfied to stay there instead of living up here?—Well, as far as I am personally concerned, it is not too far.

1203 How far is it?—I walk it in ten minutes.

1204 It is generally considered an advantage for the teacher not to live too close to the school.

Witness.—So far as the teacher is concerned, the mere distance would not make any difference; but as far as the school is concerned and the education of the children, I think that the residence and the school would be better upon one plot of ground.

1205 Would you think that if a school were built below in addition to your house that would be a con-

whose arrangement?—Well, if the trustees and the parishioners were to come to an amicable settlement it would make everything in the parish go on better. After hearing the evidence to-day I think there is a little misunderstanding between the two which I really think could be got over.

1206. I think there is some difficulty about building a schoolhouse and a residence on the same plot.

Rev. G. Garrett.—We cannot do it.

1207. That is a thing belonging to the past. Even if the money should be put down the question is could a schoolhouse be built there? I believe there would be great difficulty under the rules in closing the school to be built on the same plot of ground as the residence. It strikes me, without anticipating our report, after a full consideration of the matter, that those persons who are so sentimentally attached—and rightly so—to the old school where they were all educated in old days, might consider whether it would not be a large point conceded in their favour if that little Endowment of a house and a plot of ground were kept for a residence for the master instead of being sold. It might be a fair compromise of the matter and might bring the parties to a good understanding with each other if we were to keep this place as the school and the other as the residence. I am only throwing this out as a suggestion.

Rev. Dr. Wilson.—I wish to say that it struck me a vi went along that we ought, as far as possible, to give the public sentiment in favour of retaining the present residence and land. It has been given to us in a way that I think we should not lightly repudiate. Therefore I think that if all the parties were to agree to the compromise, that my colleague has suggested, that is to say, to keep this building as the schoolhouse and make the best of it as the place where the school is to be maintained, and to keep the other building and the ground there as the permanent residence of the teacher, it would be a satisfactory arrangement.

Mr. Curtis said that he thought his friends would consent to the arrangement suggested.

Mr. Lowe said he would still be willing to give £10.

1208. Dr. TRAILL.—Dr. Wilson and myself have been very much struck with the right and proper sentimental feeling that you and the other persons who were educated in the old building entertain towards it and we respect that feeling. Without anticipating what the other Commissioners may say, what we want to know is whether the respective parties would be willing if we were to report in favour of keeping this building for the school and the old one for the master's residence. There are great difficulties now in the way of closing the schoolhouse and the residence attached to each other; but if you would all join heartily in favor of having the School kept in this building, there would be no difficulty in putting it into proper condition if our friend here would be willing to give a small quantity of land at a reasonable rent without having a judicial decision at all on the subject. According to the original Indenture of 1825, made between Sir Henry Alymer, the then Bishop of Kilmore, and others, the building below was never intended for a schoolhouse at all. The gift was to enable the minister to establish a school in the parish, but the instrument does not convey the plot of ground for a schoolhouse, but for a residence for a schoolmaster to be appointed by the resident minister. No doubt they have made use of the house as a school; but according to the Indenture the minister was to get up a school in the parish anywhere he could, and that place was to be kept as the residence for the schoolmaster.

Mr. Curtis.—He was a constant resident here, and he used to go down to the school every day.

1209. Rev. Dr. Wilson.—It seems to me that the real difficulty is the water. If you could get a good

supply here you might have a good schoolroom. I Dec. 14, 1892 should be very unwilling to see the place below sold, without or in any way alienated from the purpose for which it was given.

Mr. Lowe.—I would rather give £100 towards the other school than £1 here.

Dr. TRAILL.—We are perfectly impartial in the matter. The evidence shows that the great bulk of the children that come to be taught here live nearer to this school than they do to the other one. There is no doubt of that as a matter of fact. At the same time it would be very necessary to meet your views about the old school.

Rev. Dr. Wilson.—You are under the Board of National Education now. I happen to be a Commissioner of that Board, and I can tell you most positively that the building below will not be accepted by the Commissioners as a school. It cannot be. Then you must build. You would have great difficulty in inducing the Commissioners to have the schoolhouse close to the teacher's residence; so that you would have either to make the other building a schoolhouse and provide a residence for the teacher elsewhere, or else let it be the teacher's residence—which is what was intended by the donor—and make a schoolroom elsewhere. But you have a schoolroom here already.

Mr. Henry.—There is one matter to which my clients wish to refer. They object to so much of the Scheme as requires the payment of £10 a year, as the condition of the representation of the Select Vestry on the Board of Management of this school. My clients feel pretty strongly about this. This is a parish Endowment, and the Select Vestry is a very representative body; but there is not one of my clients on it, with the exception of Mr. Lanyon, so that I cannot be accused of desiring to over-ride anybody's opinion on the subject. They think that the Select Vestry should have representation on this Board without the payment of the £10 a year, which would come out of the parochial funds. They don't see the necessity for making it a condition of the representation in question. At page 5 of the Scheme the ex-officio governors are the Bishop or his deputy, the Incumbent, and the two Churchwardens of the Parish of Kilmore. They don't think the Churchwardens would be proper representatives of the parishioners. Their opinion is, that the Select Vestry would be a more proper body, and better fitted to have it.

1210. Dr. TRAILL.—The provision respecting the contribution of £10 is taken from another scheme for an endowment not far from this. There we find that they had been in the habit of subscribing £10 a year. What is the amount of the assessment on your parish here?

Rev. G. Garrett.—There is no assessment at all. We have a private Endowment.

Mr. Henry.—£35 a year for the school.

Rev. G. Garrett.—We have a private Endowment in the parish besides; we don't pay anything.

1211. Dr. TRAILL.—It would be a curious thing that the Select Vestry should contribute nothing towards the church. You are very well off for you have no assessment to pay. Remember that they have no right of representation on this body at all, while at the same time the Endowment assists your parish. You have no voice in the management of the School at present; but if you claim to get part control over it, and if we democratise the management for that purpose, it does not seem unreasonable that you should put your hands into your pockets to help the funds. If there is to be £5 a year paid for a building like this, which you could not possibly get for £5 a year anywhere else, it is not too much to say that the Select Vestry should pay it. I don't say that it should go towards the rent; but it should go towards the school. They have done it elsewhere. Generally speaking all representation goes with taxation; and £5 a year

Dec 16 1890.

William  
Vaughan.

would not be very much if the thing was fairly put forward and all the parties brought into harmony together in the parish. Supposing that we gave you two representatives for £10 a year, you would also have the right of electing your Churchwardens and that would be a third. You can either have one representative for £5 a year or two for £10.

A voice.—Two for £5.

**Mr. Fry.**—Touching this matter there are two objections to be considered. Mr. Wheeler says that before he can accept this Scheme it should be altered so as to be in conformity with the Clane Scheme. I said that this Endowment was exempted under the Act of Parliament from your jurisdiction.

**Dr. TRAILL.**—So is the Clane Endowment.

**Mr. Fry.**—Yes, but they submitted to the jurisdiction of the Commissioners, and I am instructed to do so provided I get the Clane Scheme but not otherwise. At the Dublin Inquiry Mr. Wheeler was confirmed by Lord Justice FitzGibbon as follows:—(Report 1891-92, p. 17.)

222. + You are the parishes of the school now established in the former courthouse at Kilbeggan?—Yes. 223. We understand you desire that a Scheme should be prepared for that school on the lines of that framed for Hibernian's school at Clane?—Yes, quite so. 224. Mr. Justice Ormeau.—Do you say Dr. Wheeler, that even if the Commissioners had no power to take the matter in hand, the majority of the trustees would desire to have a Scheme settled?—They would.

1212. **Dr. TRAILL.**—What is your point—is it that we don't go so far as we did in the Clane Scheme?

**Mr. Fry.**—You have given to parties other than the trustees much greater power than you did in the Hibernian Scheme.

1213. **Dr. TRAILL.**—No, just the same.

**Rev. G. Garrett.**—The difference is that this Scheme puts in the churchwardens without anything being paid at all. The Clane Scheme requires that the parishioners should subscribe a certain sum to entitle them to be put on the Board.

1214. The Select Vestry there were in the habit of subscribing £10, and we say that if their subscription remained they could put a man on.

**Rev. G. Garrett.**—Mr. Wheeler claims that this parish should show an interest in the school by subscribing. I am quite sure that what I suggest would be done because, although a few men are anxious, the bulk of the people are willing to subscribe to the School, and would make up £10 a year in order to entitle them to representation. My co-trustees and I want that the Clane Scheme, which exists in the neighbourhood, should be established here.

1215. There are no Churchwardens in the Clane Scheme, but there is no reason why Dr. Wheeler should object to Churchwardens here because if the parishioners put on one Churchwarden, you would put on the other.

**Rev. G. Garrett.**—True, but we want the parishioners to show a practical interest in the school by subscribing towards it.

1216. Well, we have the clause about the £10 for buying everything that the children require and doing everything that the School requires. It seems to me, Mr. Garrett, that that objection of Dr. Wheeler is not a substantial one, because if we have the Churchwardens, we give one to each side, and yet the parishioners are to pay the £10.

**Rev. G. Garrett.**—True, but my idea is that the parishioners should subscribe £10 a year.

1217. Do you mean another £10 a year, besides the £10 that we have put into the Scheme?

**Rev. G. Garrett.**—No, but that they should not have the Churchwardens without subscribing.

1218. I thought you said they were ready to do so. Would it satisfy you to strike out the Churchwardens altogether?

**Rev. G. Garrett.**—Yes, and to leave in the clause that the parishioners should subscribe—the women as well as the others.

1219. Would you rather have a subscribers' clause?

**Rev. G. Garrett.**—Yes, a subscribers' clause.

1220. That would not be the Clane Scheme.

**Rev. G. Garrett.**—It would be very near it.

**Mr. Fry.**—There is no lack of money in the parish. The question is £5 or £10 exacts effect the thing at all.

1221. How many representatives of subscribers would you and Dr. Wheeler be satisfied to have? Suppose one representative for every £10, which is the clause in the other Scheme, what number of representatives would you consider that subscribers should be entitled to put in—without calling them "Select Vestry" or "Churchwardens"?

**Rev. G. Garrett.**—I would be satisfied with an extremely moderate arrangement—with anything that Mr. Wheeler can agree to.

1222. But we have to draw a practical Scheme. Would you be satisfied that subscribers of £10 a year should be able to elect one representative for every ten subscribers, not more than three to be put in?

**Rev. G. Garrett.**—I would be satisfied with that.

1223. Or would you prefer a £10 clause, for every £10 subscriber one representative should be elected for every £20 two, and for every £30 three?

Some of the parishioners present were understood to say that they would prefer the last named arrangement.

1224. **Dr. TRAILL.**—It is a common thing in schemes instead of putting in churchwardens, to provide, in order to help the school, that subscribers shall put in representatives according to their own number, the number of representatives are not to exceed three. The subscribers would know everything, and the representatives would come back for re-election every year.

**Rev. G. Garrett.**—We must, as far as possible, conform to the Clane Scheme in order to secure Dr. Wheeler's acceptance.

1225. We must see him again about this, for the idea of a subscribers' franchise is, perhaps, preferable to the Clane Scheme.

**Rev. G. Garrett.**—Lord Justice FitzGibbon stated at the opening of the Commission, that unless the present trustees were satisfied the Scheme would fail through.

1226. But if you are anxious to secure the co-operation of the whole parish.

**Rev. G. Garrett.**—I am anxious to secure Dr. Wheeler's co-operation.

1227. **Dr. TRAILL.**—Well, we will see Dr. Wheeler Dublin. We are now here two Commissioners and give the Judges not having been able to come down. Dr. Wilson and I will draw up a formal report for the full Commission, and they will also look at the evidence, which will be printed, and you will be able to read it. We shall draw up a report very much in the lines we have indicated to you, without pinching ourselves to the wording of it. I hope that when you see the new Draft Scheme you will be satisfied with it, and that we shall get concessions on both sides. If we report to a certain extent in favour of the old building and thus conciliate the point of preserving it and the old Endowment for the parish, we shall expect, on the other hand, that you will support your rector, and back up the school in the future.

The inquiry then concluded.

## PUBLIC SITTING—WEDNESDAY, JANUARY 4, 1893.

Jan. 1 1893

At the Courthouse, Castleberg.

**Present:**—ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

The Assistant Secretary, F. EDMOND, R.A., was in attendance.

## HUGH EDWARDS' SCHOOL, CASTLEBERG.

Charles Mullin, Esq., Solicitor, appeared for the Rev. Dr. Gatchell.

1328. Dr. TRAILL.—Dr. Wilson and myself have been sent down by our brother Commissioners to make an inquiry as to the present state of the Hugh Edwards' Charity School at Castleberg, and to see if there is any necessity for framing a Scheme for its future management. We have not much information about it at present—only the rough statement in the Box Book to the effect that Hugh Edwards died on October, 13, 1737, leaving a rent charge of £24, Irish; part of the accumulation of the rent-charge is invested

in the building and part invested in Government stock. There was also land—one acre, two rods, and nineteen perches—beside the rent charge, from which land the annual income appears to be two pounds three shillings and a penny (£2 3s. 1d.). The funds are invested with the Commissioners of Charitable Donations and Bequests. The rest of the property is vested in three trustees—Rev. Dr. Gatchell, Rev. Mr. McCay, and Rev. Canon Oliphant; the three trustees under the will for the management of the school.

Rev. J. H. Gatchell, D.D., was sworn and examined.

1329. Dr. TRAILL.—You are one of the Trustees and Master of the School at present?—Yes.

1330. What information have you got about the will of Mr. Edwards?—I have got a portion of a document here which I got from Mr. King-Edwards as a copy of the original will, a portion of a copy (produced). It is very much torn and obliterated. Mr. King-Edwards is a representative of the family of the testator, and he told me his predecessors had this copy.

Dr. TRAILL (reading from document referred to).—

"My will further is that my said trustees, Henry Cary, Robert Hill, Henry Marvyn, William Hamilton, Robert Scott, and James Richardson, and the survivors of them, and the heirs of such survivors, shall, within one year after my decease, build a convenient country house for entertaining a master and six poor boys on the road leading from Derry Bridge to Fratagh House, and that they also lay out there one acre of land for a garden for said house, which house and garden is to be free of rent for ever."

Rev. J. McCay.—I understand the modern name of the place called Fratagh is Garvagh.

1331. Dr. TRAILL.—We have come to nothing referring to the school yet!

Rev. Dr. Gatchell.—The house of entertainment mentioned may be regarded as the School.

1332. Dr. TRAILL (reading).—

"And that they pay the sum of £24 sterling to the Rev. Mr. Robert Downes, Rector of Urney, to the Rev. John Brown, Curate of Derry Chapple, and Rev. NICHOLAS DONALDSON, Dissenting Minister of Derry Congregation, and to their successors, Rectors of Urney, Curates of Derry Chapple, and Ministers of the Dissenting Congregation of Derry; which said sum of £24 is to be by them laid out to teach six poor Protestant boys to read, write, and cipher and sing psalms, and to supply them in meat, drink, washing and lodging; and also to furnish them in clothing; their coats and caps to be of coarse blue cloth, and their linen suitable; and as soon as they are well instructed as above, I desire they may be put out to several trades; but more particularly the weaver trade of different kinds, and to give each of them £2 sterling as an apprentice fee which I expect will be saved out of the £24, after paying all manner of charges which they were at in teaching them. I further leave the sum of £5 to be paid to the said Robert Downes, John Brown, and Nicholas Donaldson, and their successors for ever as aforesaid, to be by them distributed equally among six of the old decayed inhabitants of the manor of Hastings."

Rev. Dr. Gatchell.—Castleberg is the manor of Rev. Dr. Hastings.

1333. Is that bequest represented by any money now?

Rev. Dr. Gatchell.—Not that we know of.

1334. The remainder of the document gives instructions to his trustees to assist his wife in arranging his papers which he recollects had got into a state of confusion. After all the paper gives us a very good rough idea of the testator's intentions, although it is only a fragment of a copy. Dr. Wilson and myself visited the school this morning and we found the average attendance of the boys and girls to be very much the same as the return supplied to us. Now, have you ever had any boarders here, Dr. Gatchell?—No.

1335. You observe he intended that six poor Protestant boys should be boarded and educated and then sent out to trades. Has nothing of that kind ever been done?—No. The money lay unused from 1837 to 1842, when Edwards' School was erected, as I have gathered from the teacher who was then appointed. There was an arrangement made I understand with the Commissioners of Donations and Bequests to carry on the School, as it is now carried on by me, for the improvement of the education of the country children.

1336. Was there any Scheme made out by the Charitable Bequests Commissioners in Chancery?—I cannot say. I wrote to the Secretary and asked for information, but he gave me none. I have been eleven years manager of the School and I can only ascertain, in a general way, that there must have been some new arrangement made by the Commissioners of Charitable Bequests for the organisation of this school after one hundred and five years had elapsed.

1337. Have you any idea whether anything was done before 1842?—Nothing was done.

1338. No building there?—No building.

1339. The funds simply accumulated?—Yes.

1340. Of course we shall apply to the Commissioners of Charitable Donations and Bequests for any information they can give us. You do not know how the present trustees were appointed?—Not beyond the paragraph in the will.

Rev. J. McCay.—We are the successors of the original trustees.

1341. Dr. TRAILL.—Is Canon Oliphant the Rector of Urney?—Yes.

O 2

Rev. J. McCay.  
Rev. Dr.  
Gatchell.

1242. And your predecessors were the curates of Derg Chapple as mentioned in the will!—Yes.

1243. And the minister of the Dissenting Congregation is the minister of the Presbyterian Church in Castlederg?

Rev. J. McCay.—The Minister of First Castlederg Presbyterian Church, which was the Church in existence at the time of the Will, and of which I am now the minister.

1244. Dr. TRAEL.—Since the disestablishment of the Church of Ireland difficulties have arisen about the successors of Incumbents whose position has been legally altered by the Act, and in all such cases as this it is well to have an incorporated Governing Body with a legal succession.

Rev. Dr. Gatchell.—The succession is laid down in the Will.

1245. Yes, but the legal status of Church of Ireland clergymen has been altered since then, and the question whether a disestablished Incumbent is the legal successor of an established Incumbent is a very doubtful one in many cases. It is therefore necessary to provide a Scheme for the incorporation of a Governing Body for the management of this and all similar trusts. Of course we shall hear from Mr. McCay his views in regard to the Endowment generally, and also his opinion as to the constitution of a new Governing Body; we shall also be glad to hear an expression of local opinion on the subject. But before steering on that, I would ask Dr. Gatchell what is the annual income of the Trustees?

Dr. Gatchell.—From £57 to £30, it varies; we got some money eight years ago to enlarge and improve the School. The interest of that was taken from the income of the teacher.

1246. Who gave the money?—The Commissioners of Charitable Donations.

1247. That would look as if there must have been some Scheme. Now what about the composition of the Board of Management or Governing Body?

Mr. Afifi.—If the other gentlemen present would give their views, Dr. Gatchell, as Manager, would be able to review their proposals and indicate his own.

1248. Dr. TRAEL.—Very well. The idea occurs to me, looking at the School as we saw it to-day, that it seems to us you ought to get powers in dealing with this Endowment to make your School a little more manageable as regards buildings than it is at present. Dr. Wilson is one of the Commissioners of National Education, and I am sure that if that Board was aware of the arrangements of this School, or if the Inspector's attention were called to it, there would be some difficulty in getting it continued as a National School. The residence is in the centre of the building, between the two Schools, and if any epidemic broke out in the Schools, or in the family of the teacher, it would be a very serious matter. However, if your Trustees or Governors were considering a matter of that sort it would be well that you should have powers to re-arrange the School and residence. We do not propose anything at present, either compulsory or otherwise, except to say that, if it were necessary to deal with this Endowment for the purpose of separating the residence from the School, and either to use part of the capital for building a new teacher's residence at a proper distance from the School, or to borrow from the National Education Commissioners or the Board of Works, we shall take care that you get the necessary powers to do so. From the number of children in the School we consider your accommodation is quite insufficient. It is certain that if you were asking for the sanction of the National Board for the first time you would not get it; they would not allow the teacher's residence to be in the same house as the School. The residence appears to be given over to the Female Teacher, whose husband does not reside on the premises, and is not a teacher at all. With a married Female Teacher in the centre

of the building, and the Male Teacher not residing there at all, the arrangement does not seem a good one. The Trustees might look into the matter preparatory to placing it on a proper basis, for sanitary purposes if for nothing else. Now, may I ask does Canon Olphert take much interest in the working of the School?

Dr. Gatchell.—Not very much.

1249. Is he here?—No; but I will give him all the information he requires.

1250. He is a sort of sleeping partner in the Institution?—Yes.

1251. Does he ever come over to see the School?—Very rarely.

1252. Do you have meetings?—Hardly, except for signing cheques.

1253. How far does Canon Olphert reside from here?—About five miles.

1254. Is there any connection between the parish of Urney and the Rector of this district?—This is called the Skirts of Urney. It used to be part of the Parish of Urney, and there was a Chapel of Ease here which my predecessors were curates.

1255. If we were to modify the Governing Body, is there any change that suggests itself to you?—It does appear to me that it would be of importance, instead of having a Trustee so far away as Canon Olphert, who is an old man, and cannot practically take any great part in the management of this Endowment, if you had, for instance, a local layman to assist you. Is there any representative of the Edwards family or property here now?

Dr. Gatchell.—Yes, the Sheriff of the County, Mr. King-Edwards, who resides in the parish. He is a representative of the family.

1256. Where did the testator live?—At Carriglego.

1257. What resides there now?—It is divided into farms.

1258. Is Mr. King-Edwards the only representative of the family of the donor?—The only representative.

1259. Where there is a representative of the donor we generally put him on the Governing Body. Very often such gentleman not only are anxious to see the intentions of the donor carried out but they are disposed to add a little to bring the bequests forward to the requirements of the present time. Have you a Select Vestry, Dr. Gatchell?

Dr. Gatchell.—Yes.

1260. Would a representative of the Vestry be of advantage?—Mr. King-Edwards would represent the Vestry.

1261. Apart from Mr. King-Edwards you might have a representative of the Vestry. Would you consider it expedient to continue the Rector of Urney as a Trustee—that is the Rector of Urney after Canon Olphert, who of course will be a life member?—Under the present regime I do not see that there is any necessity for it. It would depend very much on the result of the inquiry what I would say in reply to that question. I would not give any reply until I see what Scheme is put forward. I may state that the attendance at the School has largely increased since I became Manager. When I came here in 1881, I found the average from 50 to 57, and now I find 92.

1262. Has the average attendance been going up steadily?—Yes. Eleven years ago it was from 55 to 60, and now it is 85, with 125 on the Roll.

1263. From a return before me, in 1881 it appears that, out of a roll of 85 in average attendance, there were 20 Church of Ireland children, 55 Presbyterians, and one of "all others." What is the denominational proportion now?—I think Mr. McCay took it down. The figures I have are: paying day pupils—59 Church of Ireland; 24 Presbyterians; 10 others, total, 84. Free pupils—34 Church of Ireland; 22 Presbyterians; 3 all others, total 59—grand total 121. These are the figures for December, 1891.

Rev. J. McCay.—I am after getting the numbers from the teacher. They are as follows.—Boys—3

Methodists; 39 Episcopalians; 31 Presbyterians; 26-10 Methodists; 36 Episcopalians; 31 Presbyterians—total, 150. The teacher will be prepared to verify these figures, which I got to-day.

Dr. Gatchell.—If my friends on the other side have any suggestions to make for the improvement of the education of the children of Castlederg, I shall be glad to hear their proposals.

Rev. James McCay sworn and examined.

1254. Dr. TRAINE.—You are minister of the Presbyterian Congregation in Castlederg?—Yes, of First Castlederg Presbyterian Church.

1255. Do you, as a Trustee, take any part in the management or government of this school?—I do in a small way. I sign for the money, and that is almost all the part I take in it.

1256. Have you a separate school of your own?—I have, but it is a mile out of town. It is an ordinary National School.

1257. On the same side of the river, or on the opposite side?—On the opposite side.

1258. Have you got the attendance at it?—I have not the figures here.

1259. Could you give roughly an idea of the numbers?—Probably there would be sixty names on the roll.

1260. Is it a mixed school?—An ordinary National School in connection with the Church of which I am minister.

1261. Is that school supplied mainly from the many districts round it, or from the town?—We have a pupil from the town, they are supplied from the immediate neighbourhood, some connected with my congregation, and some connected with the Presbyterian congregation in the town, that is Second Castlederg Presbyterian Church.

1262. Do you go into Edwards' School at all to look after the religious instruction of the Presbyterian children?—No, I cannot say I do. The school is mainly under the management of Dr. Gatchell. I may say that, as I am instructed, my predecessor, the late Rev. Mr. Crockett, got this school put under the Board of National Education. He was the Manager of the school for a considerable number of years, until his death. After him I was appointed Manager by the Board.

1263. Was that before Dr. Gatchell's time?—Yes, as I had been Manager for some time, Dr. Gatchell's successor, Rev. Mr. Edwards, applied to be appointed Manager.

1264. Was he in any way related to the family of Gatchell?—He was an uncle of the present Mr. King Edwards, and he was Rector of the parish. After two years he was appointed Manager, on the ground that the Board would recognise the man who was appointed by the Trustees. There being two trustees connected with the Episcopal church, and my one Presbyterian, of course the matter was easily decided, and, consequently, not only was he appointed, but after his time his successor was appointed, and he holds the appointment until now.

1265. What was the date of the change when Mr. Edwards was made Manager?—Sixteen years ago, I should say.

1266. Were you here then?—I was. 1267. It is quite clear from the will that he intended the school for the benefit of all denominations of Christians, but he made a distinction between the two churches, in appointing two Church of Ireland Trustees and one Presbyterian?—So I see.

1268. Have you any suggestions you would like to make as to the future Governing Body?—This is perhaps the proper time to read a letter I have received from the Minister of Second Castlederg Presbyterian Church, Rev. Mr. Henderson.

1279. Is he here?—Unfortunately he is not here, but the letter will explain the whole matter. It is as follows:—

"3rd January, 1892,  
Castlederg.

"My dear Mr. McCay,

"It has just come to my knowledge that a meeting of the Educational Endowments Commission will be held in Castlederg to-morrow. I regret exceedingly that, owing to a previous engagement, I cannot attend, as I understand that the Edwards' National School, and the endowment connected therewith, shall form a subject of inquiry.

"I wish to bring under your notice, as you are one of the Trustees, the fact that a great deal of dissatisfaction exists among Presbyterians of both town and country as to the mode in which the school is at present managed.

"I am instructed that the intention of the donor was to benefit, by means of this endowment, both the Presbyterians and Episcopalians in this neighbourhood. But at the present time the entire management of the school is in the hands of Dr. Gatchell, the incumbent of Castlederg.

"The Presbyterian interest in the school is almost completely ignored, although, as I am informed, the majority of the children attending the school are Presbyterians.

"To remedy this state of affairs I would respectfully propose a more adequate representation of the Presbyterian interest on the Board of Management; and that an arrangement be made whereby the Manager shall be chosen from each party alternately, so that justice might be done to all and the school command the confidence of both denominations.

"If this reasonable proposal be rejected, I ask on behalf of the Presbyterians of Castlederg and its neighbourhood, that a fair proportion of the endowment be allotted to them, and I promise, on their behalf, to have a schoolhouse erected within a reasonable time in the vicinity of my own church for the education of our own children.

"In making the above proposal I believe that I represent the mind of the entire Presbyterian body in this neighbourhood. I hope that you will have no objection to bring this matter before the Commissioners to-morrow.

"By doing so you will much oblige

"Yours sincerely,

"GEORGE HENDERSON."

That letter speaks for itself. It seems to be in error in stating that at the present time the Presbyterian pupils are in the majority. Apart from that I may say that the letter has my entire approval. The truth is that there has been a good deal of dissatisfaction owing to the change of management. We have had a considerable number of changes in the teaching staff, and Dr. Gatchell will be able to tell you that nearly all the teachers appointed have belonged to his own denomination. In fact the school, so far as I know, has been used just as one of his own schools, and I have felt all along that I could not exercise any legitimate influence, that there was really no room for me at all. As a matter of course all the power rests with the Manager.

1269. Dr. TRAINE.—I presume you, or the other Presbyterian clergymen of Castlederg, would be willing to look after the religious instruction of the children?—Any of us would do that.

1270. Mr. Muller (to witness) —You have never been present in any way from administering religious instruction?—I have not, nor ever tried.

1271. You were buried very probably. You never tried?—No, the truth is that when the change took

Rev. S. 355.  
Rev. James  
McCay.

place in order to impart religious instruction to the Presbyterian children I would have been obliged, so far as I know, to ask permission from Dr. Gatchell to do this in a school of which I am a Trustee.

1283. Have you any reason to suppose that permission would not be granted?—I have no reason to suppose it would have been refused.

1284. There has been no religious instruction imparted to the Presbyterian children?—So far as I know there has not.

1285. Dr. TRAILL.—You mean special Presbyterian instruction?—Yes.

1286. I presume the Bible is read every day in school?

Dr. Gatchell.—Oh, yes.

1287. Mr. Afelin (to witness).—You reside a mile out of town?—Yes.

1288. The natural Trustee of the school here would be Rev. Mr. Henderson?—I may say I think Mr. Henderson ought decidedly to be appointed on the Board of Management.

1289. That is in addition to you?—Yes, decidedly.

1290. I would ask you again so far as you are concerned, has Dr. Gatchell ever interfered?—No; the special thing I complain of is in regard to the appointment of teachers.

1291. Dr. TRAILL.—Have you had any influence in the appointment of teachers?—Not the smallest.

1292. Of course you, as a Trustee, do not require to ask leave from anybody to go to the school. The only difficulty would be in complying with the rules of the National Board?—I might have gone to the school, but not to instruct the pupils. I would have had to ask permission, and that is what I object to.

Dr. Gatchell.—As regards the changing of teachers, I beg to say that I have made no change since I was appointed. The teachers are of the same denominations as they were when I took over the schools Manager 1861. When a mistress had to be appointed, there were two applications, one belonging to my own Church, and one to Mr. McCay's. I appointed Mr. McCay's girl. On no occasion have I made any change in the staff of teachers, or interfered or offered hindrance to any member of the Presbyterian Church exercising all due influence in the management of the school. I have promoted the educational interests of the district to the best of my ability, and I think I have succeeded, seeing that under my management the school has gone up from 35 to 86 in average attendance, and that there are 125 now on the roll instead of what I found, about 90. These are the two points I wish to explain to you.

1293. Dr. TRAILL (to Rev. Dr. Gatchell).—You are not personally responsible for the state of affairs, and as I understand it Mr. McCay makes a general complaint personal to yourself.

Witness.—That is so. We have always lived on good terms here. What I wish to say is this—that formerly a Presbyterian teacher, Mr. McGranahan, had charge of the school, and a Presbyterian Manager was also in office; and that now a change has taken place all round, not due altogether to Dr. Gatchell, but to Dr. Gatchell and his predecessor. Substantially the thing is precisely what I say.

Dr. Gatchell.—In any school under the National Board the teachers would naturally be chosen from the denomination that had the majority of children at the school.

1294. Dr. TRAILL.—His point is that the majority of children are Presbyterians.

Witness.—It appears now that there is a majority of Episcopalians.

Mr. Mullin.—I would suggest that the decrease of Presbyterian children is to be accounted for by the non-attendance of the Presbyterian minister at the school.

Dr. TRAILL.—We cannot say that.

Witness.—Unless a change is made in the Governing Body there will be fewer Presbyterians in future.

1295. Dr. TRAILL.—This is a case for the interference of our Commission. It is quite clear that the intention of the founder is not carried out under the present arrangement. He certainly intended that this should be on a broad Protestant basis. The fact that he appointed a Presbyterian minister as one of his Trustees certainly indicates that his intention was that the Presbyterians should have a substantial share in the management, and not merely the signing of cheques. We will not split the endowment or divide it between two denominations of Protestants. We shall endeavour to devise a Scheme that will make it a large and successful school for both classes of Protestants. The difficulty will be the proportion to be served in the constitution of the Board. In his will he gave a majority of two to one in favour of the Church of Ireland.

Witness.—The reason for that was that there was only one Presbyterian minister here, while there were two Episcopalians at that time. Dr. Presbyterian minister did not happen to have a curate.

Dr. Gatchell.—He was a member of the Church of Ireland himself.

Witness.—That is a disputed point. I have always been informed that he really belonged to the Presbyterian Church, whether that is true or not I cannot affirm. He left the Presbyterian Church building and land to our body, and he gave £40 besides. I know, on very good authority, that my predecessor attended his daughter on her death-bed.

Dr. Gatchell.—His two sisters were Presbyterians, and he was a Churchman, and built the Parish Church in 1731.

1296. Dr. TRAILL.—It does not make the least difference now. Mr. McCay's £40 and two acres have disappeared.

Witness.—We were to enjoy the interest of the £40 and the two acres. I believe the interest was to go for pin money for the minister's wife. The money has been lost, and the two acres have probably been appropriated by some neighbour.

Dr. Gatchell.—I thought the park was the two acres.

1297. Rev. Dr. Wilson (to witness).—Is there a park belonging to the Mansions?—Not now.

1298. Dr. TRAILL.—About this provision for six poor boys, has any attempt been made to carry out this part of the will?

Witness.—Would it be possible to carry it out?

1299. Certainly, when the National Board supply such liberal salaries to masters. One of the great objects of our Scheme is to facilitate the adoption of such provisions as the one in question, for the purposes of industrial training. Such a provision should not be lost sight of. It is above all things equitable.

Witness.—We could not possibly carry out the testator's intention as to weaving.

1300. We simply put in our Scheme a general clause for Technical instruction, leaving it as far as possible, to give the Governing Body a perfectly free hand. What is your revenue derived from?

Dr. Gatchell.—I think it is a rentcharge.

1301. Who pays the rentcharge?—Lord Castlereagh, out of the Castlegore estate.

Mr. Mullin.—There is another class of pupils represented in the school—the Methodists, who might have a representative on the Board.

1302. Dr. TRAILL.—Is there any representative of the Methodists here?

Mr. Mullin.—No, but they form a considerable element in the population, and there are two ministers.

1303. Dr. TRAILL.—Mr. McCay, how do you propose to get over the fact of the Testator giving the

such people a proportion of two to one!—I am not quite that fast ought to regulate the selection of Board today. I think not. My impression is as there was only one Presbyterian minister in town he simply selected him, not intending thereby to any proportion, but because there was no facility of getting more than one at that time.

1304. You think he included all the ministers within his reach?—That is my impression.

1305. Suppose we made a certain number of provisions in the Scheme for the benefit of your denomination, that would be independent of the votes of an equal majority of the Board? The difficulty is that if we leave the majority as it is at present, you naturally have no influence if you were put to a vote. Suppose we provided that the principal teacher or assistant teacher shall be a Presbyterian, would that not your view?—Yes, or this proposal made by Mr. Henderson, that the Manager should be selected directly.

1306. Do you mean in alternate years, or alternately for life?—For years, I should think.

1307. We have done something of that kind in the case of Ellinstown, where an equally divided Board is now constituted, with a Chairman alternately from the Presbyterian and Church of Ireland sections. Not Managers have been recognised in some cases, and they are a difficulty under the National Board. Suppose the school must be under the rules of the Evangelical Board.

1308.—I do not want a multiplication of schools but I know that a meeting was held in order that a school in connection with the Presbyterian Church in town created, in consequence of the Street School being entirely under the control of its neighbours. This school is diverted away to cross channel entirely, but we make no complaint against Dr. Gashell.

Dr. Gashell.—I quite understand that.

Dr. TRAILE.—We are sent down here to rectify the matter, and to do justice to all parties.

1309. Rev. Dr. WILSON.—Would it satisfy you, Mr. McCay, if the present teachers were allowed to remain in their posts, but on the removal of any one of them, a Presbyterian should be appointed to that vacancy?—In.

Dr. Gashell.—I have no objection whatever to Dr. Wilson's suggestion, which I think a very good

one. I have no objection when a vacancy occurs to let the other Trustees select the person to fill it.

1310. Dr. TRAILE.—That shows you are prepared to work harmoniously. One good school is much better than several small and inefficient ones. And, if I may make a suggestion, I prefer the mixed system of boys and girls as being more efficient and economical. Are the boys and girls mixed in the Infant School?

Dr. Gashell.—There is no Infant School.

1311. What do you do with the infants?—The girls go to the Female School and the boys to the Male School.

1312. Have you them down to three years old there?—Sometimes boys of that age, but there are very few below five.

1313. If you had an Infant School you might have twenty to thirty infants who would form a valuable feeder to the senior classes. It would give you a most valuable supply of boys and girls.

1314. Rev. Dr. WILSON.—Now as to the practical point of the Governing Body!

1315. —It would be desirable to have, say, Mr. King Edwards instead of Canon Oliphant for one. On the other side I think decidedly that Mr. Henderson ought to be appointed as representing the Congregation of Second Castlederg.

Dr. Gashell.—I have not the slightest objection in the world to the Methodist minister being put on.

1316. Dr. TRAILE.—That would put the Church of Ireland in a minority—two Presbyterians and one Methodist against two Churchmen.

Dr. Gashell.—That would not be a fair Scheme. I am willing, on a vacancy occurring, that one of the teachers should be a Presbyterian, but if you put that Board on as suggested you will undoubtedly leave us in a different position from what we were left under the Will. That would be a very radical and undesirable change.

1317. —You are to remember that my predecessor was Manager of the school.

1318. Dr. TRAILE (to Dr. Gashell).—You are certainly entitled to the majority under the Will, and we are bound to carry out so far as possible the Testator's intentions. They are not carried out at present. It is quite clear, however, he did not intend to put them on an equality so far as control was concerned.

#### *Andrew Guly sworn and examined.*

1319. Dr. TRAILE.—Can you give us any information or suggestions about this school?—I recollect the school before it was under the Board. It was under the management of the late Reverend Mr. Crockett, Minister of First Castlederg Church, Rev. Mr. McCay's predecessor. Mr. McCay was the first teacher appointed. From the time the school went under the National Board Rev. Mr. Crockett was Manager. At his death Mr. McCay was appointed Manager, and then I think the late Hector Edwards made application to the Board of National Education and got Mr. McCay put off and himself put on. We have felt, as Presbyterians, that we do not get a fair representation in the management of the school; and I believe that would meet the wishes and desires of the Presbyterian community at the present time would be the appointment of Rev. Mr. Henderson as a Trustee in connection with this school, or as a member of your contemplated Board of Management. As far as I remember the Presbyterian pupils attending there have always been in the majority.

Mr. McALLISTER.—It is not so now.

1320. —They are very nearly equal. Besides the greater portion of the children attending the school

belong to the Congregation of Second Castlederg, whose minister has no representation in connection with the school.

1321. Dr. TRAILE.—He has no school of his own?—No, not in town. He has a small one at a place called Ervey. If Mr. Henderson were appointed to the Board of Management it would make two Presbyterians and two Episcopalians, and, as there are some Methodist pupils, it would be only fair that one of their ministers should be appointed to the Board of Management.

1322. —Have you as laymen in your community that would take an interest, like Mr. King Edwards for instance?—Have you any machinery for electing a layman to such a Board?—We have the Congregational Committee of the Church, or the Board of Deacons.

1323. Is that a lay body?—Yes, consisting of Belling Elders and Members of Committee.

1324. —Have you a separate one for each Congregation?—Yes.

1325. Dr. Gashell.—I wish to explain that from 1843 to 1860 the school was managed by the Incumbent of

Rev. James McCay,

Dr. Gashell.

Rev. J. McCay.  
Andrew  
Gately

this parish, but Mr. Edwards, my predecessor, took some objection to the scheme of the National Board and would not continue as Manager, with the result that the then Presbyterian Minister was elected, and from 1859 till 1875 the Presbyterians had the school under their management. So far as management is

concerned we have not had much advantage of each other, we have had about equal length of term.

Rev. J. McCay.—I came here in 1873 and I was Manager for two years after that.

Dr. Gatchell.—1875 is the year I intended to my when my predecessor resumed the management.

*Robert Wood Smyth sworn and examined.*

Robert Wood  
Smyth

I believe that dissatisfaction exists in consequence of the fact that the Presbyterians have so little control in connection with this school. What is wanted is a representative Board which would give general confidence, and if this were done I believe you would have a very high class school. I may say that the Castlederg people strongly object to mixed schools, as respectable people will not send their growing up daughters to be taught along with boys.

1320. Dr. TRAILL.—Are the boys too rough? We always found the mixed system humanised the boys.

Witness.—Here it seems to have the opposite effect.—Dr. Gatchell got the school divided. If the Presbyterians got an inducement to take greater interest in the school, I believe it could be made a very fine school and that there would be no necessity for an Intermediate School. There was an old Intermediate School here which turned out boys second to none in Ireland. I myself was educated there. There is an intermediate class carried on in town.

Rev. J. McCay.—It is in a healthy state at present. I am Manager and founder of the Intermediate School of Castlederg, and I can give you particulars if you wish.

1321. The Intermediate School question is very important, and we shall be glad to hear what you have to say about it at the end.

Witness.—If a representative Board were appointed and the other suggested improvements carried out, it would place the educational interests of Castlederg in a very healthy condition indeed. We want an Intermediate School very badly.

1322. Do the arrangements at the school not render you as rather unsatisfactory?—They are a disgrace to the nineteenth century.

1323. Would you be in favour of utilising the building as a residence and building new schools or other uses?—I would retain them as schools and build a teacher's residence. They are not at all suitable as a residence.

Dr. LEARY.—As Medical Officer of the district I am prepared to state that the buildings are most insanitary and the arrangement bad.

Dr. TRAILL.—I quite agree with you.

Rev. J. McCay.—I think if we had a Board appointed it would take the whole matter into its earnest consideration.

Dr. LEARY.—It is totally unfit for a teacher's residence, and I would have condemned it if there had been any proper place to remove to.

Mr. SMYTH.—The present system keeps the Protestant denominations together, and it would be a great pity if another school were erected.

1324. Dr. TRAILL.—Has anything been done in the part in the way of using any of the land for Agricultural Education?

Mr. SMYTH.—At one time it was carried on under the National Board.

1325. Agricultural classes are of very great importance, but the farmers generally think they can teach their sons agriculture better by having them working on the farm at home.

*Dr. Thomas Leary sworn and examined.*

Dr. Thomas  
Leary

1326. Dr. TRAILL.—If there is anything you would like to say we shall be glad to hear you!—As Medical Sanitary Officer, I desire to state that I consider the school buildings in a very bad condition on sanitary grounds. They are quite inadequate for the requirements, the cubical space being insufficient for the number of children. There is no means of getting rid of the impure air. A separate residence would be absolutely necessary, and if that were provided there would be ample space in the school for all school purposes.

1327. Rev. Dr. WILSON.—If the local people would call the attention of Mr. Cox, the Inspector, to the state of matters, he would report to the Board of National Education.

Dr. Gatchell.—As Manager of the school I shall do so.

Rev. J. McCay.—I think it would be better to have no report made until the new Board is appointed.

Dr. LEARY.—I may add that if the Board of Governors were remodelled on the lines suggested, it would meet the wishes of all denominations.

1328. Dr. TRAILL.—What would you suggest as the composition of the Board?—I think a fair representation of both bodies, Episcopalian and Presbyterian, would remove any discontent.

1329. Rev. Dr. WILSON.—Do you think it ought to be equal?—Yes, considering the pupils are equally divided.

1330. Dr. TRAILL.—Would you approve of a plan that requires one of the teachers to belong to a denomination?—Yes.

Rev. J. McCay.—I have very little doubt that Presbyterian pupils would be in a majority if a proper Board were appointed. As things are at present we do not recommend our children to attend school. We merely want fair play.

*John McCay sworn and examined.*

John McCay

We want the Ministers of First and Second Castlederg appointed. That would satisfy the community in general, and we would work like one man for the success of the school.

1331. Dr. TRAILL.—Supposing it came to be a question of imparting religious instruction to the Presbyterian pupils in the school, which of the ministers could best perform that duty?—I do not see much religious instruction imparted in National Schools.

1332. You never made a greater mistake in your life. The best religious instruction is given in National Schools.

Witness.—Not in this locality.

1333. Rev. Dr. WILSON.—Are you agreed, Dr. Gatchell, that the representation should be equal on the Governing Body?

Dr. Gatchell.—I should think that would be a radical change from the Will. The Presbyterians

and Methodists would entirely take the management of the lands of the Church of Ireland.

1334. What would you suggest?—Rev. Canon Oliphant, or his successor, Mr. King Edwards, and myself—three. Then the two Presbyterian ministers and the Methodist minister. That would make us equal.

1335. Dr. TRAILL.—Yes; but things might come to deadlock unless you had an odd number.

Rev. Dr. WILSON.—It does not make the representation equal for the Presbyterians.

1336. Dr. TRAILL.—You must put yourselves in Dr. Gatchell's position. At present he has two to one on the Governing Body, and that is according to the Will. He is willing to come down to have half the Board, the other half to be divided between Presbyterians and Methodists.

Rev. J. McCay.—Make us equal, and give the Methodists the casting vote.

Dr. Gatchell.—I am giving in a good deal, and you must give in a little too.

1337. Dr. TRAILL.—I think Dr. Gatchell's scheme is not unreasonable from a man who has two to one at present.

Dr. Gatchell.—As I also agree to have it provided that one of the teachers shall always be a Presbyterian, I do not think I could be expected to go much further.

1338. Dr. TRAILL.—You have made a very good attempt to meet them half way, I must say.

Rev. Dr. WILSON.—As far as I can see you will

not get cordial Presbyterian support unless you have an equality.

Rev. J. McCay.—That is the real point.

1339. Rev. Dr. WINSOR.—Let there be three of each and then the Methodists as the seventh member.

Rev. J. McCay.—I have worked a good deal with the members of the Episcopal Church, and I am bound to say they are most reasonable men, and I never had any difficulty with them nor with anybody else.

1340. Dr. TRAILL.—Dr. Gatchell, would you prefer to have a local layman amongst your three instead of Canon Oliphant, who does not take an active interest in the School, and lives at a distance?

Dr. Gatchell.—A layman would be preferable, as he would always be on the spot.

Rev. J. McCay.—I think the Board should be a little larger than five or even seven, and that we should have some business men on it.

Rev. Dr. WILSON.—Make it nine.

Dr. TRAILL.—Four, four, and one, that would be.

Dr. LEARY.—That would give confidence to the community.

Dr. TRAILL.—The Methodists would hold the scales. In our experience their results are the best educationally.

Dr. Gatchell.—I have no objection to an increased body of Trustees, but I object to such a radical change, and to the Church of Ireland ministers being swamped.

Rev. Dr. WILSON.—What we want to do is to frame such a Scheme as will produce a state of feeling calculated to make the School a success.

Jan. 6, 1893.

John McCay.

#### *James Gamble sworn and examined.*

1341. Dr. TRAILL.—What do you wish to say about this matter?—Owing to the management of the School there was a very influential meeting held some time ago in order to get up another School. I was one of those who met, but I did not like the idea of starting another School, and I suggested what has happened to-day, that this Commission should be invited to widen the Governing Body. If you make the Board of Management wide enough you will have the sympathy of all classes.

1342. What proportions do you suggest?—Nine members would be the proper number.

1343. How would you divide the nine?—I would give the Episcopalians and Presbyterians four each, and the Methodists one; that is my idea. I would be in favour of as many laymen being on it as possible.

1344. Would any laymen be willing to add a little more of their own to improve this School—a little less help goes a long way!—The meeting I referred to was prepared to put their hands in their pockets to build a school.

1345. Was that limited to Presbyterians only, or was it composed of all denominations?—Presbyterians only.

1346. Would you wish us to empower the Governors to educate some of the children in the Intermediate School—if we had a building for an Intermediate School we should have a very successful one.

Dr. Gatchell.—I have a school three miles from this, and I appointed a Presbyterian teacher for it.

Rev. J. McCay, at the request of Dr. Trull, made the following statement respecting the Intermediate School, Castlederg:—After I came to this district I discovered that our young men were greatly handicapped owing to the fact that they had no higher school than the National School. There were three very promising young men to whom I gave lessons two evenings in the week in my lodgings. These continued with me until they were ready to compete for Queen's College Scholarships in Mathematics, and

almost the whole of the Matriculation course in Classics. James Gamble For this I charged nothing. It was then suggested to me by a neighbouring minister, Professor Henry, that the Intermediate Education Act was passed, and that I should open an Intermediate School here. I said if he insisted on it I should do so with pleasure. He agreed, and we started an Intermediate School in a room which we still hold. After a time he was called to a Congregation in England, and then it fell into my own hands, and I appointed an assistant until we sent young men to Ulster, the young men with whom we commenced. After that I appointed a teacher.

1347. Dr. TRAILL.—What numbers have you?—At the present time, 22 or 23. The numbers have varied from 10 or 12 to 23 or 24.

1348. What fees do you charge?—2/- a quarter for all subjects. The school is in full operation now. Our young men have earned away scholarships.

1349. Who is your present teacher?—Mr. Parker, a B.A. of the Royal University. We are handicapped for want of a suitable house. We pay £2 a year for the premises we occupy. The parents of the pupils and myself form a sort of Committee. I approached the owner of the house where we have our school with the view of purchasing it, but the price he wanted was beyond our means. We should like either to build a school, or to buy a house, but we have no funds. We had a meeting on this matter along with members of Second Castlederg Church, who wanted to include in our scheme the building of a National School as well; but some of us were against multiplying schools, and it was pointed out that if Edwards' School was improved in arrangement and management it would meet all the requirements of the case. The thing was allowed to lapse, and now we await events. After completing another undertaking in which we are presently engaged, our next work may be an Intermediate School building.

Dr. TRAILL.—That is a very satisfactory statement and we are very glad to hear it.

The Inquiry then concluded.

Jan. 5, 1893.

## PUBLIC SITTING—THURSDAY, JANUARY 5, 1893.

At the Courthouse, Londonderry.

Present:—ANTHONY TRAILL, Esq., M.D., LL.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

The Assistant Secretary, F. REDMOND, B.A., was in attendance.

**SCHEME No. 24.—Gwyn's CHARITABLE INSTITUTION, AND JOSEPH YOUNG'S CHARITY**  
(APPLICATION FOR AN AMENDING SCHEME)

Sergeant Dodd, Q.C. (instructed by J. Kello Reid, LL.B., solicitor), appeared on behalf of the Governors of Gwyn's Charitable Institution; and John Cooke, B.A. (instructed by Mr. W. L. Gilliland, solicitor), appeared for the Governors of Joseph Young's Charity.

1350. Dr. TRAILL.—I take it, Sergeant Dodd, that you represent the Gwyn Governors and Mr. Cooke the Young Governors.

Sergeant Dodd.—I represent the Joint Board.

Mr. Cooke.—I beg Mr. Dodd's pardon. We, the Young Governors, received from the Commissioners an intimation asking us for suggestions with regard to the Scheme, how it worked, and what amendments were proposed if it did not work satisfactorily. We answered that suggestion by a memorandum setting out in what respects we thought it did not work properly. We have been invited by the Commissioners to come here, in accordance with that memorandum, to lay evidence before them. So far we represent the Young Governors. Sergeant Dodd, as I understand, comes here in support of a Scheme sent in by the Gwyn Governors, and in accordance with an intimation from the Commissioners that they would be prepared to receive evidence in support of that Scheme from the Gwyn Governors. That is the way I understand it.

1351. Dr. TRAILL.—I take it we may assume there is no Joint Board at present for the practical purposes of our sitting here to-day.

Mr. Cooke.—Certainly not.

Sergeant Dodd.—It is a matter of dialectical discussion rather than of practical weight. I am instructed by the Joint Board, by those who oppose any change in the Scheme as proposed by the Young Governors. I stand on the Scheme already framed by the Commissioners and sanctioned by the Privy Council. I stand upon the Scheme; Mr. Cooke seeks to alter it.

Mr. Cooke.—We are here on a notice issued by the Educational Endowment Commissioners to give evidence respecting the Endowments mentioned in the notice, and to hear an application for a Supplemental Scheme by Gwyn's Governors, and suggestions for amendment of Original Scheme. There is nothing about the Joint Board.

Sergeant Dodd.—It ought to have been mentioned. It is a clerical omission.

Mr. Cooke.—Nothing of the kind.

1352. Dr. TRAILL.—Unless we get your relative positions settled, we shall not know how to proceed.

Sergeant Dodd.—There is no doubt Mr. Cooke has to proceed. With respect to the application for additional leasing powers the Gwyn and Young Governors are at one. That is an application to be made to you for the purpose of making an extension of the leasing powers which you have given in your Scheme. You have restricted them by your Scheme to leasing powers for 200 years. The experience of gentlemen in

Derry, and of members of both Boards, is that leasing powers for 200 years are an unnecessary fetter upon the management of property in the city. Much of the surrounding property is leased for 200 years, and also in perpetuity, and the Boards think it imposes an unnecessary burden upon them to tie them down to 200 years. The Joint Board, therefore, respectfully suggest that the power should be extended to 999 years; and in that respect and in that sense I represent the Joint Board. We are all agreed on this matter, but Mr. Cooke further wants an alteration of the Scheme in respect of the masters debt with in section 18. We do not agree to that. We do not want the Scheme altered. I hope that in the result the Derry gentlemen will all come to be of one mind on a question that they are already practically unanimous upon. The Ulster portion is not very serious. The Young Governors want to alter the status quo, and we, the Gwyn Governors, want to preserve it.

Mr. Cooke.—I wish to know whether Sergeant Dodd still claims to represent the Joint Board. I say he does not. The Gwyn Governors are a separate body from the Young Governors, and I think it should be distinctly understood here that we represent two different sections of this joint Governing Body. Sergeant Dodd putting forward the views of the Gwyn Governors, and I putting forward the views of my clients, the Young Governors.

Sergeant Dodd.—I am instructed by the Joint Board, and my fee will come out of the funds of the Joint Board.

Mr. Cooke.—Sergeant Dodd throws suspicion upon our right to appear here at the invitation of the Commissioners. I would ask that it be placed a record that there is no objection to the Young Governors being paid their costs for appearing here from the joint funds.

1353. Dr. TRAILL.—Without expressing any opinion as to the merits of the matter, I think it will be most convenient if Sergeant Dodd represents the Gwyn Governors, and Mr. Cooke the Young Governors.

Mr. Cooke.—And that we both get our costs from the joint funds?

1354. I cannot make out how there is any Joint Board at all. You seem to have had a meeting or two, and then split off almost at the start.

Mr. Cooke.—It will take all Sergeant Dodd's dialectical skill to show how there is a Joint Board. As I stated already, we sent in a memorandum in response to a letter of September 21, 1892, coming from the Commissioners, and asking that we should give suggestions for alteration in the Scheme, and a

etailed account of how it had worked up to the present. We sent in our memorandum in reply to the request. I would direct your attention to what the memorandum states. It sets forth that "shortly after the Scheme became Law, the Young Governors, in accordance with the provisions of section 17 of the Scheme, passed a Resolution (appended hereto No. 1), at a meeting duly held on the 2nd day of February, 1892, requiring the Governors, in accordance with the resolution, to establish the Young Institution as a Boarding Institution, and requesting them to give the existing buildings of the Gwyn's Institution, then occupied, for the purpose on such terms as should be agreed upon." Before proceeding further, I call your attention to section 17 of the Scheme—"Power to establish Joseph Young's Institution"—which includes that—

"However, in the judgment of a majority of the Young Governors, the amount of the Endowments available for charitable purposes of the Will of Joseph Young, shall be sufficient for the Establishment, and for the permanent support of an Institution for the reception and maintenance of not less than thirty qualified boarding pupils; the Governors, upon the requisition of the Young Governors, shall purchase or take upon lease suitable premises, and may apply so much of the Capital of the Young Endowment, not exceeding in the whole the sum of One Thousand Pounds, as shall be necessary for the purpose of establishing an Institution in or near the City of Jersey, to be called 'Joseph Young's Institution,' and providing for the purposes of said Institution suitable living-rooms, equipment and appliances."

Indorse further states that—

"With the concurrence of a majority of the Gwyn Governors and a majority of the Young Governors, the institution may be established and the expenditure may be met upon any part of the existing lands or buildings of Gwyn's Institution, if the same can be made suitable for its purpose; and in that case the Governors may charge to account of the Young Endowment, and may credit to balance of the Gwyn Endowment, such reasonable sum as may be agreed upon, by way of annual rent for the premises appropriated to the purpose of Joseph Young's Institution."

and so on. That clause was inserted by the Commissioners in order to carry out the express intention of the testator who left this money in his Will; and it is carried at the direct instigation of the Young Governors. As detailed in the memorandum, the Young Governors, in pursuance of that clause, passed resolution requiring the Joint Governors to found the Institution. The resolution was as follows:—

"That in accordance with Clause 17 the Young Governor report to the Governors that the amount of the Endowment available for the charitable purposes of the Will of late Joseph Young is sufficient for the establishment and permanent support of an Institution for the reception and maintenance of not less than 30 qualified boarding pupils."

"That the Young Governors (in compliance with Clause 18) lay before the Governors to establish the Institution, to be called 'Joseph Young's Institution,' in the existing buildings of Gwyn's Institution on such terms as a majority of the Gwyn Governors and Young Governors shall agree upon."

Then the memorandum proceeds—

"Upon this being submitted to the Joint Board, at a meeting held on 4th February, 1892, for the purpose of being given to such resolution as provided by the due notice, the majority of those present, such majority being composed largely of the former Gwyn Governors, passed the following resolution—'That the Governors take no steps at present to establish an Institution, as permitted by Clause 17 of the Scheme; but that the available income of the Young Endowment shall be applied for the benefit of qualified pupils, in accordance with the other provisions of the Scheme as detailed in Clause 17.'

135. Dr. TRAILE.—I want to ask a question about that. In the Scheme it is provided that there shall be

twelve Governors in each of the separate bodies. How did it happen that on 4th February the majority was largely composed of the former Gwyn Governors? Was this on account of the former Gwyn Governors remaining on?

Mr. COOK.—There was, at the time of the Scheme, an existing Board of twenty-four Gwyn Governors; and when the Commissioners came to form a Board they asked the Young Governors not to press them to require any of the former Gwyn Governors to vacate office, but to select from the Board of Gwyn Governors such Young Governors as they thought fit, to take the future Young Governors from the existing Gwyn Governors. That was done for the purpose of not causing any Gwyn Governor to retire from his position, and in fact to utilise the existing material without making the Board too large.

1356. Were the twelve names that were put into the Scheme, as representing the Young Governors, selected from the twenty-four Gwyn Governors?

Mr. COOK.—Certainly, to a large extent. You may take it that at the present time there are only four persons on the Joint Board who were not original Gwyn Governors.

1357. Were there twelve Governors representing the Gwyn Governors present at that time?

Mr. COOK.—Certainly.

1358. Then the statement that this majority consisted largely of past Gwyn Governors did not imply that the full Board of Young Governors were not present?

Mr. COOK.—No. What it means to convey is that Governors that were formerly connected with Gwyn's Institution were nominated as Young Governors and confirmed their election for the Gwyn Board to such an extent that they acted with them. They could not dissociate themselves from their early historical associations. That is the difficulty. You cannot get these gentlemen to drop their early training and associations in dealing with the Young Endowment. When the Joint Board meets the Young Governors who were formerly on the Gwyn Board continue to act with their old colleagues, so that the Young Governors have no power.

1359. "The majority being composed largely of Gwyn Governors" does not throw any reflection on the Gwyn Governors of having acted unfairly!

Mr. COOK.—No reflections on anybody. What we complain of is that when they passed that resolution on 4th February, the Joint Board affected to override the express provisions of Clause 17 which gave the Young Governors absolute power to found an Institution in accordance with the Will of Joseph Young. The Joint Board simply said, we will adopt the boarding-out system, and we shall have no Institution at all. Clause 20 referred to is a clause enabling the Governors to adopt the boarding-out principle.

Sergeant DODD.—How does he interpret the 20th section? That is the point between us.

Dr. TRAILE.—That is the whole matter.

Mr. COOK.—Clause 20 provides that—

"The Governors may provide for the maintenance of qualified pupils by placing them in families, with whom they shall be lodged and boarded, subject to such rules as the Governors shall from time to time prescribe, and to the conditions and provisions herein contained. The families shall belong to the same religious denomination to which the children placed with them may respectively belong, and shall reside in or near the City of London; or a pupil shall be placed with any family residing more than one statute mile from a school under the management of the Governors or approved by the Governors, and under the management of a master or mistress of such religious denomination; and provision shall be made for the education of every pupil in such school as aforesaid."

Sergeant DODD.—We are "the Governors" referred to in Section 20.

JULY 1, 1884.

1360. DR. TRAILL.—That goes back to the original definition.

Sergeant Dodd.—I hold it means the Joint Board.

1361. The definition in the Scheme is "the Governors shall mean the Governing Body of the Gwyn Endowment and the Young Endowment hereby incorporated."

Mr. Cooke.—What we say in regard to that is this—So far as the 17th Clause is concerned, there is an express provision that the Young Governors may, on a requisition, call on the Joint Board to found an institution, and that cannot be overridden by a subsequent part of the Scheme.

Sergeant Dodd.—I do not question his right under Section 17. What is his reading of the word "Governors" in Clause 10? According to my view it can only mean one thing.

Mr. Cooke.—It occurs to me that I see Justice Pitt-Gibson, who drew this Scheme, if he were here would be able to briefly answer the Sergeant's question better than I could. The matter appears to me to be perfectly plain. The Young Governors came to the conclusion that they wanted an institution which Joseph Young's will says he wanted himself. They called upon the Gwyn Governors or the Joint Body to found such an institution as they were entitled to do.

Sergeant Dodd.—But not on the Gwyn property.

Mr. Cooke.—Sergeant Dodd asks me who are "the Governors." In Section 10, the boarding-out Clause, which he says can alone mean the Joint Governors, I answer this by saying you must go back to Clause 13. That Clause is headed "Management of the Endowments," and runs as follows:—

"Save as herein otherwise provided, and unless and until the Governors shall make arrangements for the joint management of the Endowments in manner hereinafter prescribed, the Gwyn Governors shall have the exclusive control of the Gwyn Endowment and of Gwyn's Institution, and the Young Governors shall have the exclusive control of the Young Endowment, and the provisions of this Scheme relating to the Endowments shall apply to, and shall be observed by the Gwyn Governors and the Young Governors, respectively; provided that the Governors from time to time by resolution passed at a meeting of the Governors held on due notice, with the concurrence of a majority of the Gwyn Governors and a majority of the Young Governors for the time being, may make such arrangements as they may think expedient for the joint management of both the Endowments, or for the joint discharge by the Governors, or by Committees appointed by them, of all or any of the duties or functions of the Governors under this Scheme."

Sergeant Dodd.—What is the meaning of "save as herein otherwise provided"?

Mr. Cooke.—It is as plain as daylight that the application of the boarding-out principle to these Endowments depends upon the action of the Gwyn or Young Governors, respectively. Each Board decides whether it shall board-out or not. It is provided that the provisions of the Scheme shall be applied by the Young and Gwyn Governors, respectively, unless and until the resolution of amalgamation takes place. It is well to say this that, whatever construction Sergeant Dodd puts on Clause 13 or on the Scheme, or whatever construction the majority of the Joint-Governors may seek to place upon it, the Scheme was passed with the express intention of giving a separate control to these separate and distinct sets of Governors. It was so understood, and if that had not been provided for and inserted, the Scheme would not have been allowed to pass in that form at all. Therefore, what we say is this, that if this Clause does not give a separate control to the Young Governors and to the Gwyn Governors over their respective Endowments until this resolution for amalgamation is passed, it is the bounden duty of the Commissioners to make it in accordance with the intentions of the parties at the time this Scheme was passed, and to take care that the rights of the parties are not quibbled away by mere grammatical construc-

tion. It was on the faith of that that the Scheme was passed, and if Clause 13 does not mean what I say, then we were distinctly misled, and we suppose it is the duty of the Commissioners before their powers expire to set the matter right. Unquestionably at the present time dissensions are going on, of which we will lay evidence before you in regard to what the meaning of this Scheme is, and apparently the Gwyn Governors have not even arrived at a conclusion as to what the meaning of it is, whatever it may be. As I am instructed, the meetings are chiefly occupied with discussions upon the grammatical construction of the Scheme. Instead of turning their attention to what is most beneficial for the children whom they are bound to provide for, I am informed their proceedings resemble an Intermediate Board discussion of grammar and dialectics. The whole time is occupied in interesting and academic but unprofitable discussions, which do not further in any degree the interests of the people for whose benefit the Endowments and the Governors both exist. They should be set right by the Commissioners one way or another. To my mind neither Clause 13 nor Clause 17 ought to have given rise to any difference unless there had been taken sides and created differences for their own edification. It would appear to me that it is beyond argument it is so distract. It may be as well to thresh it out now. The contention of the Gwyn Governors always has been that that Clause "Management of the Endowments," does not mean management of the Endowments in the ordinary acceptance of the word, that is to say, you are not to found an institution, etc., if you think fit, but simply that management of the Endowments means management of the money and nothing else.

Sergeant Dodd.—That was the undoubted intention.

1362. DR. TRAILL.—That is the contention of the Gwyn Governors.

Mr. Cooke.—Sergeant Dodd says it was the manifest meaning and intention and purpose of Clause 13 merely to empower the Young Governors to deal with investments and finance, Government Stock and so forth. That is the way they read the words "Management of the Endowments." In the definition "Endowments" shall mean and include all the money, funds and securities mentioned in the Second Schedule hereto, and all investments and accumulations thereof, etc. But I say that Endowment means something more than the money because if you turn to the beginning of the Scheme you will find that it is a Scheme for the management of the Endowments of the Gwyn Charitable Institution and the Joseph Young Charity.

Sergeant Dodd.—It speaks of the "Government" and "Management" of the Endowment. They are not the same.

Mr. Cooke.—Endowments is the controlling word. The "future Government and Management of the Endowments" I take as covering both. If Sergeant Dodd is in doubt on the point I would refer him to Clause 2, which provides that, "From and after the date of this Scheme, a Governing Body shall be formed for the future management of the Endowments." What is that Governing Body constituted for—a govern and administer the Endowments, or merely to manage the finances of the Institution? In general to manage the trust for which these finances and Endowments are held, or merely to look after investments? I think really it is beyond all argument and without any sense, and it is difficult to keep one's mind applied to the logic of the matter. The Governing Body is formed for the future Government and Management of the Endowments, and are we to be told that Endowments mean only finances?

1363. DR. TRAILL.—Look at Clause 13, "Appointment of the Endowments." It is a duty thrown upon the Governing Body.

Mr. Cooke.—What I contend is this, that the having

"Management of the Endowments" is used in the general sense of management not only of the funds, or of the Trusts upon which the funds are held. You will find it used throughout the whole Scheme in that sense, and in that sense it is used in Clause 13. You will also find where the separate bodies are constituted, that they are specially charged with the management of the two Endowments, the Young Governors are specially charged with the management of the Young Endowment, and the Gwyn Governors are specially charged with the management of the Gwyn Endowment, and so forth. If Sergeant Dodd's contention is right, and that the only duty of Young Governors have to do is to consider whether they would invest in "Goscheen" or East India Stock, and what they should do in matters of that sort, I would like to know what is the object of inserting in the Scheme provisions as to quarterly meetings of the Young Governors, for a separate Minute Book, Committee, Ladies Committee for the management of the Endowments, &c. Were the ladies to throw light on the finances? Clause 33 provides that:—

"The Governors, and the Gwyn Governors and the Young Governors respectively, may, from time to time, appoint Committees as they shall think fit, such consisting of up to two or more of their number, to superintend and carry into execution any orders, rules, or directions with respect to the purposes of this Scheme, or to manage any business with which they may deem it expedient to devote to a Committee. They may also, if they think fit, appoint a Committee of ladies to assist them in the management of any Institution school. The Governors appointing each Committee may be the chairman," etc.

The Clause with regard to the minutes is 31, inter alia:—

"Minute Books shall be kept by the Governors, and also by the Gwyn Governors and the Young Governors, when meeting separately, in which all minutes of their proceedings shall be duly entered."

That you would think, is almost enough. If Clause 13 means management of the Endowments in the sense of management of the investments, I should like Sergeant Dodd to explain why elaborate provisions were inserted from Clause 37 to Clause 40, in respect of the management of the Estate, investment of Funds, &c. If he will look at Clause 37, he will find it provided that:—

"The Governors may from time to time make such arrangements as they may deem expedient for the custody of their securities and of all deeds and documents belonging to the Endowments, for the management of the same and property invested in them, for keeping proper up and records of holdings and tenancies, for the appointment of land agents or land agents, and for the employment of a Solicitor or Solicitors."

Sergeant Dodd.—Do you read "Governors" in Clause 37 as "Young Governors" and "Gwyn Governors" respectively?

Mr. Cooke.—I have already stated that I read "Governors" throughout this Scheme as meaning the Young Governors until this resolution to amalgamation was passed. I hold it is the Young Governors unless there is an express provision in the Clause that it means the Joint Board. If Clause 13 means that the Young Governors were to have separate and distinct management of their finances only, if it applied to finance alone, what was the object of putting in the Clause at the end of Section 30, or Clause 40? Clause 13 plainly applies to the general management of the affairs of the Trust. The joint property is vested in the Joint Board with a common seal, and when they come to deal with the property there must be a question of both agreeing to it. The management of the property is dealt with under separate Clauses, which shows conclusively that Clause 13 must have a distinct and separate application, entirely apart from the mere management of the finances. Besides, if you look at the concluding Clause of Section 13, you will find that they may make such arrangements as they think expedient for the joint management of both

Endowments, or for the joint discharge by the Governors, or the Committees appointed by them, of all or any of the duties or functions of the Governors under the Scheme, showing that the general duties and functions of the Scheme had been delegated to the Young Governors until such time as the resolution for amalgamation was passed. We submit that the intention was this:—The concluding portion of the Clause says they may make, if they like, two bodies meeting jointly together, and making arrangements for the joint discharge, by themselves or committees appointed by them, of all or any of the duties or functions of the Scheme, showing that the joint duties and functions of the Scheme had been delegated to the Young Governors until such time as the resolution was passed. We claim that the Scheme be brought into conformity with the clear intention and object, if there is any reasonable doubt with regard to it.

Sergeant Dodd.—This is not a court for construction of the Scheme, but would you mind going for my guidance, through the different Clauses, and saying what amendments are wanted in each of them. Take Clause 14 for instance!

1364. Dr. TRAILE.—Or Clause 121.

Sergeant Dodd.—Of course we submit you have no power to adjudicate upon these questions of construction.

1365. We will report to the Full Commission, and the legal questions will be decided by the Judicial Commissioners.

Sergeant Dodd.—Your Commission has the power of interpreting its own Scheme?

1366. Yes, by amendment.

Sergeant Dodd.—Assuming Mr. Cooke is right it needs no amendment, if he is wrong it does need amendment. What does he propose to leave to the Joint Board? What does he propose to leave to the individual Boards? Let us see the length of the alterations he proposes. If he is coming for amendments he must show us what the amendments are in Clauses 12, 14, 15, 16, 18, 20, 21, and so on. He should let us know if he intends to leave anything for the Joint Board at all. According to his case, to his understanding there is nothing left for the Joint Board at all, not even a scintilla. If I am to meet the Scheme that is propounded here, I should ask what is the Scheme, and whether the Gwyn Governors are to be left anything but the right of discretion?

Mr. Cooke.—I have in a general way, but with sufficient distinctness, indicated what our construction of Clauses 13 and 17 is. It does not seem to me a work of superhuman difficulty to bring the Scheme into accordance with that construction. My position is that the Scheme does mean it, but that the Gwyn Governors considered that, owing to certain grammatical matters, it is open to doubt, and discussions have arisen and the time of the Board has been occupied with it, and the Commissioners have been asked to make the thing distinct and bring the Scheme into conformity with it. In general, as to the position we would leave to the Joint Board, there were two mentioned at the time the Scheme passed, and two alone. One was that the Joint Board should have the selection of the pupils, as it was supposed they would know better how many boys and girls were taken from individual families, and so on. That portion of the Scheme was to be worked jointly.

1367. Dr. TRAILE.—Respecting this legal point, it seems to me you have rather given yourself a little away, because the Clause might still mean that until the Joint Board is created each Board should elect their own pupils.

Sergeant Dodd.—If it means it in Clause 14 it means it throughout.

1368. Dr. TRAILE.—The Young Governors seem to say that the selection of pupils is reserved to the Joint Board. That is why I and Mr. Cooke had rather given himself away.

Mr. Cooke.—It is scarcely the term to apply. What

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I said was that it was the meaning of the Young Governors, and the intention of the Scheme at the time it was passed, that the Joint Board should select the pupils.

1360 That is not necessarily the interpretation of the Scheme, but I recollect it being stated at the time by Lord Justice FitzGibbon that it would be an advantage if the two Boards selected the pupils. That was the argument in favour of an amalgamated Board, but Lord Justice FitzGibbon has not said anywhere that the Joint Board should select the pupils if they did not amalgamate.

Mr. Cooke.—No; he did not say so. We do not wish to press matters unfairly. If we had been acting in a fair spirit we would have carried out the Scheme independent of grammatical niceties. If we had been allowed to found an Institution, in accordance with Clause 17, we would not have pressed these matters at all. But, owing to the position taken up by the Joint Board, they have simply swept every scintilla of control over this Endowment from the trustees to whom it was given, and from the Young Board as a distinct Board, into the Joint Governors.

1370 As regards a matter of fact: whether, when the Young Governors consist of twelve, as they do, when they come to meet do they, or a majority of their body, arrive at a different conclusion from the whole twenty-four, when the two twelves meet, because it is implied in the memorandum that it is owing to the defection of some of the Young Governors that the Joint Board has not carried out the Young resolution about founding the Institution.

Mr. Cooke.—An answer to that will be found in the memorandum, which says—"In consequence of the above action of the Joint Board the Young Governors held a meeting on the 2nd June, 1892, at which the resolutions" (appended hereto, No. 1) "were passed unanimously."

1371 It says passed unanimously, yet it says in another part that the majority was composed largely of the Young Governors voting against themselves. That is what puzzles me.

Mr. Cooke.—On the occasion when the resolution was passed unanimously there were only eight Governors present. The four gentlemen who go along with the Gwyn Governors were not present. When they met in the Joint Board the division is 16 to 8.

Sergeant Dadd.—Mr. Cooke's Board only carried this resolution to present the memorial by 5 to 4.

Mr. Cooke.—That is not so. The majority were Young Governors; the minority were the four who always vote with the Gwyn Governors, and are really more Gwyn than Young Governors. There is no blinking these facts at all.

1372 Dr. TRAILE.—I see the memorandum states that "Since then the letter from the Commissioners of the 21st September, 1892, asking for suggestions and statements as to the working of the Scheme, has been received, and at a meeting of the Joint Board held on the 6th day of October, 1892, the Young Governors proposed that a joint statement which was read at the meeting, and admitted to be impartial, should be forwarded to the Commissioners, asking to have the Scheme amended so as to obviate, if possible, the present friction between the Boards; but the Gwyn Governors, who formed the majority of those present, refused to do so." Now the Gwyn Governors could not form the majority unless some of the Young Governors were absent or voted with their former colleagues.

Mr. Cooke.—Sergeant Dadd has called attention to the application of the word Governors in Clause 12. I say it is to be there read as entitled by Section 16 to mean the Young Governors, until this resolution mentioned in Clause 13 is passed—"and the provisions of the Scheme relating to the Endowments shall apply to and shall be observed by the Gwyn Governors and the Young Governors respectively." We think the thing is sufficiently obvious and that

there is no difficulty about it; but if the Commissioners should think it requires to be made clearer and put right, then we ask them to bring it into accordance with the understanding and the faith upon which the Scheme passed, and has been accepted. The Commission proceeds to point out that the Joint Board refused to found a Young Institution at all. It was admitted there were sufficient funds to do so. The question arose as to the suitability of Gwyn's buildings for the purpose. What the Joint Board did say was to say:—"We will adopt the boarding-out system, whether you like it or not."

1373 DR. TRAILE.—Where is that resolution?

Mr. Cooke.—The resolution—<sup>"That the Government take no steps at present to establish an Institution, as permitted by Clause 17 of the Scheme, but that the available income of the Young Endowment shall be applied for the benefit of qualified pupils in accordance with the other provisions of the Scheme, as embodied in Clause 20,"</sup> that is the boarding-out principle. That is the resolution that the Young Governors complain of. It plainly meant and intended that the Young Governors had the power to adopt what course they liked, and to prevent the Young Governors founding an institution in accordance with Clause 17.

1374 That would be a very anomalous result if the Scheme meant that the result of the amalgamation was to prevent the Young Governors having any institution at all. That could hardly have been the meaning of the Scheme.

Mr. Cooke.—That is what we contend. When the Commission was in Derry one of the chief reasons pressed upon it in favour of the amalgamation was, that the Gwyn Governors were possessed of these splendid buildings and grounds, which could be handed over to the Young Governors as an Institution for girls. And the extraordinary result is that not only have they refused that Institution for the purpose, but they have refused even to allow us to found an institution at all.

1375 Clause 13 settles the point. It contemplates that the Endowments may be applied respectively to two Institutions, and the Young Governors were duly entitled to proceed with the founding of their Institution.

Mr. Cooke.—The Young Governors state in the Memorandum that, "This resolution was in direct conflict with Section 17, and after due consideration it was decided to overrule the wishes of the Young Governors and not set aside their resolution as to the establishment of a Young Institution for boarding, specially reserved to them under Section 17, and attempted to force upon them the boarding-out system of which they disapproved as applied to their Endowment. A further difficulty arose through the Gwyn Governors considering that they had no power to lease the Gwyn buildings to the Young Governors, and the latter not being able to see their way to spend money upon them without some security of tenure." It would have been necessary to spend about £1,000 on the Gwyn building to adapt them to the purpose, and the Young Governors naturally wanted some security that they would not be turned out.

1376. That is a small matter, we can easily rectify that, if it should be found necessary.

Mr. Cooke.—The memorandum adds that "one of the chief objects for which the Endowments were joined under one general Governing Body, while leaving the management separate, has failed in its purpose, viz.—the utilisation of the disused Gwyn Buildings for the purposes of the Young Institution, as it was put forward before the Scheme was framed, that it would be of great advantage for the Young Governors to be able to utilise the Gwyn Institution."

1377. Have the Gwyn Governors boarded out all the boys?

Mr. Cooke.—Yes.

1378. What have they done with the house?

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**Mr. Cook.**—They have done nothing with it. It has been used for no purpose whatever, connected with the Endowments. The Gwyn Governors want now to arrest it into a suburban place, and seek powers to take streets and squares, and all sorts of things.

1279. What has become of the hoyt?

**Mr. Cook.**—They are all scattered about.

**Sergeant Dodd.**—We will show you that the very system has been adopted.

**Mr. Cook.**—The whole result of this elaborate scheme, which was drawn up by very able men, and extends to thirty or forty pages, is that the Board now and divides the income of the Endowments between a number of foundations on a system of one-door and, without any other provision of the Scheme being brought into force at all. We say that that was not the intention of the testator as expressed in his will. We ask that Joseph Young's Endowment be applied to something higher and better than us, and that we be given the chance of putting into question the clauses of the Scheme which we think as to be beneficially used.

1280. Dr. TRAHL.—Shall we have any evidence from the Gwyn Governors as to these matters?

**Sergeant Dodd.**—If you wish. They are here. I do not propose to examine any of them.

1281. We shall inquire of them ourselves.

**Sergeant Dodd.**—Any question will be answered.

**Mr. Cook.**—The memorandum states that "the Governors have not since that refusal used the said buildings for any purpose connected with either duty or sold the same." The resolutions of the Young Governors, which were passed unanimously on 2d June, 1893, are then referred to, and are set out in the appendix. The Young Governors protested against the action of the joint body, and further moved—"That inasmuch as in the recent negotiations with the Gwyn Governors, there appearing to be some difficulties in procuring a portion of Gwyn's Institution for the purpose of a boarding school for Young Charity, and it being uncertain whether the Gwyn Governors may or may not require the said buildings for the purposes of their own Endowment, it was advisable, by this resolution, to lay aside half the annual income of the Young Charity, till the capital sum of £4,000 is reached for the purpose of building Joseph Young's Institution, should it be found that no suitable premises are then obtainable."

1281. Dr. TRAHL.—Is there any record of how many of the Young Governors were present at the meeting held on 2d of June, at which these resolutions were passed?

**Mr. Cook.**—Eight were present. They would all have been present unanimously if the whole twelve had been present. The full Board was not present. The numbers present were—Rev. Dr. Ross, Chairman of the Young Governors; Rev. Robert Nevin, Mr. Cook, Joseph Cooke, Alexander Black, George Gilbert, Aaron Baxter, and John Dick.

**Sergeant Dodd.**—It is, perhaps, also of importance to know that one of the Governors, represented as being absent, tells me that he disengaged and entered his protest.

**Mr. Alexander Black, J.P.**—I did not enter a protest, but I dissociated from the resolution.

**Sergeant Dodd.**—That reduces the eight to seven.

**Mr. Cook.**—Here are the minutes, subsequently signed by Rev. Robert Ross as Chairman, without any dissentient at all. It appears Mr. Black was present at the subsequent meeting at which they were signed as correct.

**Sergeant Dodd.**—He says he dissociated.

**Mr. Cook.**—He cannot go behind the official record which he accepted. After stating that the board-school system had been temporarily adopted the transaction proceeds—

"The Young Governors are, however, of opinion that such does not meet the requirements of the case, nor is it a safe disposal of the trust."

And then the memorandum lays before the Commissioners what the respective contentions of the two Boards are, and proceeds—

"It was in consequence of the above differences between the two Boards that the Young Governors adopted the last of the resolutions set out in the appendix at their meeting on the 2d June asking for an amendment of the Scheme." I believe it should really be the 4th of June not the 2d. The memorandum continues—

"The Young Governors desire that such amendments should be made in the Scheme as will more accurately define the powers of the Young Governors when acting separately, as distinct from the Gwyn Governors, in conformity with Clause 12 and with the undivided intention of all parties when the Scheme was passed. It is suggested that this can be done by defining the word 'Governors' to mean the Young Governors, when it occurs in relation to matters directly appertaining to the Young Endowment, and similarly defining it to mean the Gwyn Governors, in matters relating to the Gwyn Endowment, reserving to the June Governors such matters as are specifically mentioned therein. Such a course would prevent further friction and possible litigation."

We should have been quite satisfied if Lord Justice Fitzgerald had simply written down to Derry to say what was the meaning and intention of the Scheme upon these contested points. I am sure the Gwyn Governors would have accepted any exposition of that kind from Lord Justice Fitzgerald as well as the Young Board and it would have saved further discussion. Unless something of that kind is done I fear that no conclusion can be come to without the interference of the Court of Chancery, and it would be a very lamentable thing, indeed, if we had to go to the Law Courts to expound the Scheme. Another request in the memorandum is as follows:—

"The Young Governors also desire further powers to be given them or the Joint Governors to take removals of leases, execute works on houses property, and rebuild houses on the property which are too old or dangerous to be satisfactorily repaired."

1282. Dr. TRAHL.—How was it that any difficulty arose about this question of letting the premises of Gwyn's Institution for the purpose of Young's Endowment?

**Mr. Cook.**—As I understand it, Young's Governors had the place surveyed by an architect, and he reported that it would require from £1,000 to £1,200 to adapt it for the accommodation of girls, and the Young Governors did not wish to spend that without a guarantee of undisturbed occupancy, and that the Gwyn Governors said they could not give.

1284. I may call your attention to clause 18, which requires that the Governors, if they cause to use the existing premises of Gwyn's Institution, may sell or otherwise dispose of it, subject to the approval of the Charitable Bequests Commission, except in the case of its being handed over to the Young Governors, in which case there is no necessity for obtaining the sanction of the Commissioners of Charitable Bequests. We want to know exactly what raised these difficulties?

**Mr. Cook.**—Well, we were met with two objections—first, that it was not expedient in the opinion of the Joint Board to establish a Young Institution at all; and secondly that, assuming it was expedient, the Governors could not lease to themselves. They said to the Young Governors—

"You may spend £1,000 or £1,200 on this building, but we can give you no security of tenure, we can give you no undertaking that we won't take them from you to-morrow."

1285. There is no provision for the whole Board giving a lease to the half Board. There is no necessity for a lease.

**Sergeant Dodd.**—That is what we thought, but they insisted upon getting security.

**Mr. Cook.**—We merely want some reasonable security that we shall not be put out next year if we spend this money on the building in the meantime.

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1385. Dr. TRAILL.—How could the Joint Board give the Young Governors access to those buildings and therefore them out?

Mr. Cooke.—They might readily enough.

1387. Could they take them from themselves?

Mr. Cooke.—They might take them from themselves in this way, by selling or leasing or re-occupying after we had spent our money on them. They have the power to do it.

1388. That would be an extraordinary defect in the Scheme, if it is so.

Mr. Cooke.—I do not suppose the Commissioners require any evidence with regard to these matters, for in fact all these resolutions are set out, and the persons present are all mentioned; but if you think it necessary, I shall call the Chairman of the Governors of the Young Endowment, and show you the work that has been done up to the present.

Sergeant Dodd.—As far as I can understand Mr. Cooke, he asks you to construct the Scheme, and to say, as a matter of construction, his view is right. I respectfully remind you that you have no power or authority to bind either the Gwynn Governors or the Young Governors to any interpretation of the Scheme. If Mr. Cooke has any doubt about the Scheme it is his business to have it rectified in accordance with the view he takes of it; but, as I understand the Scheme, it stands absolutely free from doubt in legal construction. The Scheme is framed with a view to amalgamation. Section 12, as you will see, makes that quite clear; as I understand it, and as I am told by my clients, who say that it was the view of everybody at the time it was passed, and was the basis upon which the compromise was accepted as contained in Clause 13; and the facts that will be deduced by my clients are perfectly in accordance with the legal construction of the Scheme, which seems to me a perfectly drawn Scheme. You will see that it is a Scheme framed for the future "Government and Management" of the Endowments. "Government and Management," these two words are very important. The Government and the Management are distinguished throughout—the Government is the first thing, the Management the second. The Messrs. Cooke are protected, hedged round about in every way in the constitution and working of their Board; then the "Application of the Endowments" is dealt with in Clause 12, and then you come to Clause 13, which was put in because, under the Will of Mr. Joseph Young, there was something given for the management of his finances, and that was considered a sufficient reason for preventing the finances of the two bodies being at once amalgamated. But I would call your attention to the words in this Clause 13—"save as herein otherwise provided, and unless and until the Governors shall make arrangements," and so on. Of course that means "save as herein otherwise provided" in the rest of the Scheme. It was intended to restrict that to the management of the finances of each, and if it is provided anywhere else that the Governors shall be the Governors of the Joint Body, that is a proviso "otherwise" contained in the Scheme as provided for by Section 13. According to Mr. Cooke's own admission, in Section 14 "Governors" means the "Joint Governors," therefore Section 14 is "otherwise provided."

1389. Dr. TRAILL.—I pointed out to him already that he was rather giving himself away about the non-action of pupils.

Sergeant Dodd.—He was bound to give himself away, because, as a lawyer, he could not argue otherwise. The Scheme was the result of a compromise. Clause 13 was put in at the end of the matter, and it could, therefore, hardly be a Scheme that would hold absolutely together, because I could very well understand how the Draft was made for the Joint Body, and then this Clause put in by way of compromise. The "Application of the Endowments" in Clause 12 is a very different and more important thing than the

"Management of the Endowments" in Clause 12, which is the maintaining of the buildings, the collection of rents, and the payment of salaries.

1390. "Of the respective Institutions," implying there are to be two.

Sergeant Dodd.—That is "unless herein otherwise provided." No difficulty arises on Section 12, when it is not otherwise provided it is to be separate, when it is otherwise provided it is to be joint. Section 14 therefore means joint management.

1391. The latter part of Section 13 provides for, before they can act as a joint body, it requires the concurrence of a majority of both Boards, or of each Board.

Sergeant Dodd.—That is a mistake in construction. That is not the Joint Board.

1392. Very well; we want to report what the legal points raised are.

Sergeant Dodd.—"Save as herein otherwise provided, and unless and until the Governors shall make arrangements for the joint management of the Endowments in manner hereinafter prescribed, the Gwynn Governors shall have the exclusive control of the Gwynn Endowment and of Gwynn's Institution, and the Young Governors shall have the exclusive control of the Young Endowment, and the provisions of this Scheme relating to the Endowments shall apply to and shall be observed by the Gwynn Governors and the Young Governors, respectively." I submit that that word respectively refers back to and interprets Section 12 in the way I have mentioned. What you have referred to is for the joint management of both Endowments, not for the creation of a Joint Board which has already been created, and which it was the intention of the parties to have for the joint management of the Endowments, and for the other purposes of the Scheme. So far as relates to the matter of the separate Endowments only the joint management has been voted for.

1393. Are these separate majorities only required in regard to the joint management of property? Does not the joint action of the Governors on other matters require the separate consent of a majority of each of the bodies?

Sergeant Dodd.—The duties are to be discharged by the respective Boards. The meaning of the Clause is this:—It was proposed to constitute a Joint Board; the Messrs. Cooke had rather an objection to that on some grounds of finance; we desired to preserve the rights and to make the terms as fair as we could between them; we created a Joint Board by this Scheme which delegated to this Joint Board certain specified duties; the Commissioners also created separate Boards for the Gwynn Endowment and for the Young Endowment for certain specified objects connected with the management of the finances of each Endowment. The Commissioners, I take it, did not look upon that as a fatal thing. They desired to see the time when distinctions between the funds should cease, and be merged in a Joint Board. I consider the Young Governors have got a considerable advantage by this arrangement because there was a bequest given to the Young Endowment which it would not otherwise have got. The Young Scheme is a purely Presbyterian Scheme, but being incorporated with the Gwynn Institution it became a general Scheme for the benefit of the entire community instead of being isolated and sectarian.

Mr. Cooke.—There is no such limitation.

1394. These are not legal questions. What is Sergeant Dodd's view about the meaning of the words "for the joint discharge by the Governor or by Committees appointed by them, of all or any of the duties or functions under this Scheme"? You seem to limit that to the discharge of duties of finance by the Governors acting separately under this Scheme, but your former argument was based upon the fact that there was a Joint Board. I want to understand exactly what you mean. I take Clause 10. There the Governors are mentioned simply as having the

over to Board out. In your interpretation of Clause 13, do you, or do you not, contend that before the Governors can act under Clause 20 they require the written assent of the Young Governors and of the Gwyn Governors?

**Sergeant Dodd.**—Clearly not. The separate Endowments are specially provided for. Any provision that is made for work to be done by the Joint Board in this Scheme is to be done by the Joint Board; and my provision for work to be done by the separate Boards, is to be done by the separate Boards, unless and until the resolution is passed.

1385. That would require the separate consent of both. I have your views correctly.

**Sergeant Dodd.**—That provision in Clause 13 is partially confined to the finances. With regard to Section 14, I will not take Mr. Cooke's admission. I will say he goes back of that. I will take it now as a thing contended for. I will take the statement from the Governors themselves in the memorandum presented to you. Take Section 14, it says "Every election shall be held at a place, and on a day to be appointed by the Governors, of which every Governor shall have due notice." We say that is a provision for election by the present Board.

1386. And you think that would not require the above resolution to be passed, providing for the joint discharge of that duty?

**Sergeant Dodd.**—I do, because it is a provision already made in the Scheme itself. Now Section 14, as to qualifications of pupils, has no special reference to Governors, unless under the last clause, subsection (d):—

"All candidates shall present themselves upon or before the day of election, at such place, or places, as the Governors may from time to time appoint; and shall be seen by the Governors, or by some person appointed by them for that purpose."

I take that to mean the Governors as defined by the interpretation clause, viz., the Governors of the Joint Board.

1387. As I understand it, you hold that Sections 14, 15, and 20 come under "save as herein otherwise provided." Section 17 is not "otherwise provided."

**Sergeant Dodd.**—My learned friend and the Young Governors are right in point of law in regard to Section 17; but wrong, according to the majority of the Board, in point of expediency. The Board accordingly said it would not do the thing that was desired at present; and by a happy accident in your Scheme they had the power to prevent it being done, because the Young Governors have no power to establish an Institution on the Gwyn property without the assent of the Gwyn Governors. The Young Board tried to live to hands of my clients under Section 17, but we simply stayed matters for the present, saying "So far as no consent is necessary for the purpose it shall not begin for the present at least, but we look forward to the time when it may be carried out." The Joint Board adopted the boarding-out system which has been tried to work so well by the Presbyterian and Episcopalian Orphan Societies in this country. The great majority of the Board think that under Section 20 they would be able most efficiently to discharge the duties of the trusts, and confer the widest benefits by the boarding-out system, and accordingly the Gwyn boys are all boarded out, and the Young Governors have also so far carried that out that thirty-three girls are boarded out at the present time under the Young Endowment.

1388. As a temporary arrangement?

**Sergeant Dodd.**—At present; the time may come in future when it may be desirable to have an institution, when these girls are more advanced and more capable of receiving domestic and other training; but, in the opinion of the Joint Board, more good can be done just now by the boarding-out system than can be done by establishing any institution with an expensive staff of officials. There are fifty-two boys boarded out

in connection with the Gwyn Endowment, and thirty-two in connection with the Young Endowment. You will find that these eighty-four are maintained at much less than it would cost to keep them in institutions.

1389. I want to ask you a question on Clause 17. How do you defend the action of the full Board, of which the Gwyn Governors past and present form the majority, in refusing the requisition of the Young Board to found an Institution? Clause 17 says—"Whenever, in the judgment of a majority of the Young Governors, the amount of the Endowments available for the charitable purposes of the will of Joseph Young shall be sufficient for the establishment, and for the permanent support, of an institution for the reception and maintenance of not less than thirty qualified boarding pupils, the Governors, upon the requisition of the Young Governors, shall purchase or take upon lease suitable premises." How do your clients reconcile their refusal to provide buildings with that clause?

**Sergeant Dodd.**—We do not refuse.

1400. It seems you have refused.

**Sergeant Dodd.**—That is entirely incorrect.

1401. There is no doubt the advisability of utilising Gwyn's Buildings for the Young Institution was spoken of, but it requires a majority of the Gwyn Governors to assent.

**Sergeant Dodd.**—My clients have not refused.

1402. Well they have not assented.

**Sergeant Dodd.**—They have resolved to apply the available funds as provided for by Section 20. They were within their right in doing so. The other gentlemen were dissatisfied and took advantage of Section 17, for the purpose of forcing the hand of the Board to have this Institution. The Joint Board said they were not inclined to do it for the present; that they wanted to ascertain the results of the boarding-out system; that the establishment of a Young Institution in Gwyn's Buildings required the concurrence of Gwyn's Governors. But they did not prevent, and could not prevent, and did not seek to prevent the Young Governors accumulating a fund for the purpose of founding an Institution of their own; and if a requisition is presented to that effect they will at once comply with it. The Young Governors are within their rights under Section 13, in accumulating a fund for the express purpose.

1403. They can take Four Thousand Pounds out of the accumulated Young Capital for it. Under Clause 17, the Joint Board were bound, at the requisition of the Young Board, to purchase or take on lease suitable premises, and to apply £4,000 of the Young Capital for the purpose. Why didn't they do that? The Clause says "shall."

**Sergeant Dodd.**—They have not been asked to do that except on the Gwyn property.

1404. Do you admit that, Mr. Cooke?

**Mr. Cooke.**—I do nothing of the sort.

1405. Have the Young Governors applied to the full Board to found there an Institution anywhere else, or have they simply applied for the Gwyn Institution?

**Mr. Cooke.**—What we say is this, that the question was raised by this resolution which we sent in, and we were met by a definite refusal, and by the statement that it was the Joint Board that had to decide the question whether there should be an Institution at all. With regard to the Young Governors forcing the hand of the Gwyn Governors, we will put in a complete copy of the resolutions passed by both Boards, and the Commissioners will then see and be able to judge whether that is a fair statement to make.

1406. The minutes and resolutions should settle that point.

**Mr. Cooke.**—They do settle it.

1407. Can you refer me to the minute or resolution of the Young Governors in which they decided to apply to the full Board for a building of any sort?

Jan. 5, 1892. Mr. Cooke.—Yes, the following—Proposed by Alexander Black, seconded by Aaron Baxter—

"That in accordance with Clause 17 the Young Governors report to the Governors that the amount of the Endowment available for the charitable purposes of the Will of the late Joseph Cooke is sufficient for the establishment and permanent support of an Institution for the reception and maintenance of not less than thirty qualified boarding pupils. That the Young Governors in compliance with Clause 17 hereby request the Governors to establish the Institution to be called Joseph Young's Institution, in the existing buildings of Gwyn's Institution, on such terms as a majority of the Gwyn Governors and Young Governors should agree upon."

1402. They did not make an application generally. They passed a resolution saying that their funds were sufficient, and then they went on to make an application for Gwyn's buildings.

Mr. Cooke.—And they were met by the resolution saying that the Governors would take no steps at present to establish an Institution, and saying that the joint Board had the power to decide whether there was to be an Institution or not. At a meeting of the joint Board, held on February 4, 1892, at the Gwyn Institution, the Lord Bishop in the chair, it was resolved—

"That the Governors take no steps at present to establish an Institution as permitted by Clause 17 of the Scheme, but that the available income of the Young Endowment shall be applied for the benefit of qualified pupils in accordance with the other provisions of the Scheme as detailed in Clause 29."

1403. That is, though the Young Governors only applied for the Gwyn buildings for their Institution, the full Board, in refusing that, went further and refused to give them any Institution at all?

Mr. Cooke.—That was all along the position which the joint Board took. Their new attitude to-day has come upon me as a complete surprise. They said the Governors meant the united Governors and that they had absolute power to decide.

Sergeant Dodd.—If they did what is the use of arguing. Section 17 is strong and clear in point of law; but the Governors were justified in point of fact in carrying out their policy under section 20, and they will adhere to that policy.

1410. Dr. TRAILL.—Do you contend that the full Board after an application by the Young Governors are entitled to refuse them absolutely and say—"We decide that both Gwyn and Young pupils shall be boarded out"?

Sergeant Dodd.—They never said so and I have never said so.

Mr. Cooke.—They have always said so.

Sergeant Dodd.—What is the use of asking me and then saying "that is not so"? Whatever the Governors may have done they are bound by the statement of their counsel here to-day. The matter is beyond question. The word "shall" is mandatory upon the Gwyn Governors no matter what their objections might be.

Mr. Cooke.—Sergeant Dodd now says that he advises the Gwyn Governors that it is not optional with them to assent to or refuse the request of the Young Governors for the founding of an Institution. That advice has been given to them for the first time. Their contention all through, as will be seen from the memorandum, was that the joint Board alone had the right to determine whether or not an Institution should be established. The end of Clause 17 runs in this way—

"And whenever the said Endowment shall suffice to provide the capital sum of Four Thousand Pounds, in addition to the income of One Thousand Pounds per annum, the Governors shall proceed to establish the said Institution, or shall spend the whole of the excess income of the said Endowment upon the other charitable purposes of this Scheme."

1411. Dr. TRAILL.—Those are included under section 20.

Mr. Cooke.—Yes. They contended at their meeting that the "or" in that clause gave them the alternative to adopt either the boarding-out system or to found a Young Institution, that the "or" gave them power to decide the whole question.

1412. You would hold that the interpretation of that last clause means that they could only exercise their discretion between these two objects or alternatives subject to the application of the Young Governors.

Mr. Cooke.—Certainly.

Sergeant Dodd.—Under section 20 the joint Board has power to adopt a distinct policy, a wise policy. Certainly sections 20 and 17 are to a certain extent in collision. Section 17 gives, in express terms, mandatory power to the Young Governors to requisition the Gwyn Governors, and the Gwyn Governors must comply. Then section 20 gives power to adopt the boarding-out policy as a general policy, and it has been adopted by the joint Board for both Endowments. They have not refused, and do not insist upon a refusal of the right given in section 17. They thought it was inexpedient to give effect to it at present, until the wisdom policy, as they think it, of boarding-out be more fully tried. The Young Governors have not asked for the establishment of any Institution save that in Gwyn Buildings.

1413. Dr. TRAILL.—We should like to have the views of the representatives of the Gwyn's Board as to the meaning of these words "at present," whether they meant to defeat the whole idea of a Young Institution, or merely to postpone it for a year or two.

Sergeant Dodd.—Take the rest of the Scheme. My construction of section 20 is in accordance with section 13.

1414. Are there any other sections besides 12, 14, and 20, that you say come under "save as herein otherwise provided"?

Sergeant Dodd.—20, 21, and 22, and other places where the word "Governors" occurs, unless limited by the special proviso of "respective Boards." The rest of the Scheme is common form. As I understand Mr. Cooke's contention, there is no joint Board still, and if that is so, everybody has been wrong up to the present. The joint Board has met, and does up by-laws, and makes elections and appointments, and it is only on matters of finance that the two Boards have met separately, and carried out their minutes on this matter where a collision of interests has arisen.

Mr. Cooke.—It is not on matters of finance that the Young Board have met at all. They have met generally to discuss their own affairs.

Sergeant Dodd.—Here is the minute book of the joint Board, containing minutes of proceedings at various meetings, 20th April, 1891; 1st June, 1891, referring to the procuring of a Common Seal, the passing of accounts, the issuing of bonds, the opening of a bank account, and so on.

1415. Rev. Dr. WILSON.—Was a joint account opened for the joint Board?

Mr. Cooke.—Legally the funds are vested in the joint Board.

1416. Dr. TRAILL.—The Young Governors have still control of their own funds, under a special clause.

Sergeant Dodd.—The regulations for the management of the Endowments were made by the joint Board, as shown in these minutes. The choice of the matron or superintendent over the Young girls was made by the joint Board.

Mr. Cooke.—In fact, if the joint Board were allowed, they would sweep the Young Board out of existence altogether.

Sergeant Dodd.—That is the most unfair thing that was ever said. It is the parting kick of a man who knows he is beaten. There was not a protest from one of the Young Governors when these various things were being done. They did not say they were

wiped out. They proposed the resolutions, they seconded them, they voted for them, and all the time they were being wiped out! There is confirmation by the Governors themselves of their interpretation of the Scheme apart altogether from the statement they have put in their memorandum, and apart altogether

from anything stated by their counsel. There is the actual existing fact of joint management by a Joint Board of all matters belonging to the Endowments. The construction put upon the Scheme by these gentlemen through their official acts is in accordance with the legal construction.

*Rev. James Cargie, A.A., Minister of First Presbyterian Church, Londonderry, sworn and examined.*

1417. Dr. TRAILL.—Mr. Cargie, I want to understand this action of the full Board, or of the Gwyn Governors, which is practically the full Board in this case, owing to the fact that the minority of the Young Board were taken from the Gwyn Board—what I want to know is this: when you passed a resolution to say that at present you did not consent to an Institution being founded, what is your interpretation or meaning of the words "at present"?

Witness.—Do you ask me the question, sir, in my official capacity or in my individual capacity?

1418. I ask you in your individual capacity, and I will ask the other members of the Joint Board also.

Witness.—My judgment cannot bind anybody but myself, and I do not wish it to bind anybody. I believe, however, I carry the consensus of opinion of the Gwyn Governors, rather of the Joint Governors, voided this act. What we meant by that was practically this—that from the evidence before us we viewed the boarding-out system to be the best, but we consented to give the Gwyn Institution to the Young Governors on certain terms. If they had accepted those terms, the matter was squared at once.

1419. I never heard of any terms; they were not mentioned to us as yet?

Witness.—The Minutes Book will bear out what I say, and here is a gentleman on my left (Mr. Black), who will give you the facts from memory. I would either not trust my own memory with figures, because I remember I am on my oath. Here is the document, a copy of a minute of our meeting held on 10th November, 1891 (produced):—

"Moved by Mr. Black, and seconded by Mr. Irwin—that the terms for letting to the Young Governors portion of the premises for twenty-one years, at a rent of £100 a year, exclusive of taxes, be agreed to, same having been fully explained in detail by your solicitor, next to come over from February, 1892."

That answers your question with reference to our action. You secondly ask me what the words "at present" indicated. I say in regard to that, as I have intimated, that in my judgment, and I think I speak for the rest, the boarding-out is much to be preferred.

1420. For girls as well as for boys?

Witness.—Up to a certain age. We think the girls are better boarded out in the first place; but when they come to the age of thirteen or fourteen, if it was found wise to establish a home for teaching them cooking and other household or industrial work, we think that might be done with advantage; and, therefore, what we meant by saying at present was simply this, that with the light we had at that time, we thought it was the preferable course.

1421. Under Clause 17 the question of deciding whether there shall or shall not be a Young Institution does not lie with you at all, but with the Young Governors.

Witness.—We did not wish in the least degree to interfere with their liberty.

1422. How do you propose to provide an Institution for them if you cannot agree about Gwyn's house and grounds?

Witness.—We raise no difficulties, because we have already offered them Gwyn's house and grounds.

1423. What was their answer to that? You said they refused your offer?

Witness.—I said so from memory, and I still say so. Mr. Black will tell you they refused.

Mr. COOKE.—Many things happened between 5th November, 1891, and 4th February, 1892.

1424. Dr. TRAILL.—Was there a definite refusal by the Young Governors of that offer?

Witness.—Well, there is a dispute about that.

1425. How do you propose to dispose of your own buildings? What was the date at which you took the boys out of the building and boarded them out?

Witness.—I could not trust my memory; it is on the minutes.

1426. Did anything occur that decided you to adopt the boarding-out system?

Witness.—We came to no sudden decision on the matter. It had been broiled at in all its bearings for years, and there grew in the minds of the Governors a conviction that the boarding-out system, as a system, was preferable to the system that had been in use so long. As an evidence that we are going in the right direction I may mention that there were about thirty boys in the Institution, and with difficulty could we get any boys at all for the vacancies; but, since we adopted the boarding-out system, our numbers have risen to over fifty, and we have applications largely in excess of our vacancies. I understand we have fifty-two boys on the roll at present.

1427. I find from the returns that twelve years ago the inmates numbered from fifty to sixty. How did they fall away so largely in recent years?

Witness.—One reason was that we could not get the boys, and there were others.

1428. What do you propose to do with the buildings? How long have they been empty—a year or more?—Between one and two years.

1429. What do you propose to do with them?—We have not finally decided. We are considering the question.

1430. You are bound under our Scheme if you cease to use the buildings and premises to sell, let, or otherwise dispose of them to the best advantage, with the sanction of the Commissioners of Charitable Distributions and Bequests. You have not done anything in the way of disposing of these premises, and you are not using them for the purposes of Joseph Young's Institution?—We may yet use them; we may yet have a day school for our own boys. As a matter of fact we have had them surveyed with a view to utilizing them for the purposes of the Charity. But we have come to no positive decision as to what we shall do with them. It takes some time to deal with a question like this, and we are simply groping our way. From the legal arguments we have heard to-day it is a marvel to me that we, who are not lawyers, have succeeded so well.

1431. One of the things we will have to report is what is to be done with this Institution. If we are to draw up a Supplemental Scheme we will not leave it in ambiguity whether it is to be used or not. We will deal with it.

Witness.—There is no intention to leave it lying unused. The Governors are most anxious to utilize the property in the best way for the benefit of the Charity.

1432. Supposing the Young Governors really want this building, and decide that they prefer an Institution to the boarding-out system, would it not be an extraordinary thing that an Institution ready to their hands, like Gwyn's, should be withheld from them, and that they should have to go elsewhere and build?

Witness.—We are most anxious to give the building.

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Rev. James  
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ings to Young's Governors, and if the Governors are so disposed no one shall be more rejoiced than I to see Young's Institution founded there.

1433. Would you expect them to give you such a rent as you could get suppose you were putting the place up for building ground?

Witness.—We offered these buildings at a rental of £100 a year, which we thought not an unfair sum for such magnificent accommodation.

1434. I want to find out why the Young Governors refused that, or whether they refused it at all?

Witness.—We are most anxious to meet the Young Governors in every way in our power.

1435. Mr. Cooke.—Was not the contention at the meetings of the Joint Board this—that, in regard to Clause 17, the discretion rested with them of deciding whether a Joseph Young Institution should be established or not, or whether the boarding-out system should be adopted?—Individual members may have given that as their interpretation, but I have no recollection that that was so, or that it was before us in any deliberate form.

1436. Mr. Cooke.—Was it not put forward by the Chairman of the meeting?

Witness.—I was Chairman of the meeting, and I distinctly do my duty that I put it forward.

1437. Dr. TRAILE.—Both parties appear to have made mistakes—the Young Governors by limiting their demand to Gwyn's Institution, and the Gwyn Governors by refusing any institution at all.

Mr. Cooke.—The Gwyn Governors apparently held out that they would give the buildings, and then they decided to hang the thing up indefinitely.

1438. Dr. TRAILE.—They not only refused their institution but any institution at all.

Sergeant Dodd.—At the meeting of the Joint Board, following that at which the resolution was passed postponing for the present the establishment of a Young Institution, the following was passed on the motion of Mr. Tidie, seconded by Mr. Biggar:—

"That there being some doubt as to the special resolution moved at last meeting by Mr. Tidie, with reference to the proposal of the Young Governors to take over the Gwyn Governors a certain portion of the Gwyn buildings, we hereby rescind such resolution, it being understood that the United Board has power to found Young Institution."

The question was postponed for the present until matters had been cleared up.

1439. Dr. TRAILE.—The full Board now claim the power to decide whether there shall be a Young Institution or not?

Sergeant Dodd.—It is the full Board that must pass the resolution to found a Young Institution.

1440. They must do it if requisitioned by the Young Board. They have no discretion.

Sergeant Dodd.—They made the mistake of thinking it was the Gwyn Governors that had to do it, instead of the United Board.

1441. They rectified that in the second resolution so far as the technicality went.

Mr. Cooke.—Mr. Gargin said we refused to take the buildings. There is no foundation for that. The Young Governors have never refused to take the buildings.

1442. Rev. Dr. Wilson.—You never have replied to them. You never have consented to the £100 a year of rent.

Alexander Black, J.P., sworn and examined.

Alexander  
Black, J.P.

1443. Sergeant Dodd.—You are a member of the Gwyn Board?—Unfortunately for myself, of both Boards.

1444. What was the difficulty in the negotiations about this matter of the buildings?—The difficulty was about the lease. They got an architect to examine the buildings, and further than that they took the architect to Belfast to see some similar place, and they found the alterations they wanted would cost over £1,000. They had then a great objection to taking the place without a lease.

1445. Dr. TRAILE.—Why did they want a lease?—They thought we could remove them at any time unless they had a lease.

1446. Then the negotiations fell through. How could the Joint Board give a lease to themselves of their own premises?

Witness.—The absence of a lease seemed to be the principal objection. We could not see how a lease could be made out. It would be a lease of Governors to Governors.

1447. Was your offer answered at all?—It was not answered.

1448. Sergeant Dodd.—The Young Governors, because they could not get a lease for twenty-one years in

security for their £1,000, declined to take the premises!—Yes.

1449. Were you perfectly willing as an individual Governor to give this?—I moved that it be given.

1450. Mr. Cooke.—Did you think it wise to spend £1,000 on the buildings with the chance that the Gwyn Governors might take them from you next year?—There was no risk whatever.

1451. Dr. TRAILE.—Would you be in favour of a provision being inserted that, in the event of the buildings being handed over to Young's Government, they would not be taken from them?—It would do no harm. They will never get buildings like Gwyn's for £4,000.

1452. Would you be satisfied with a Clause that any agreement made by the full Board for the letting of Gwyn's premises to the Young Governors would not be set aside without the consent of the Young Governors?—I see no objection. I was not present at the time the boarding-out system was adopted. I would have voted in favour of having the girls in the house.

1453. Mr. Cooke.—You would have voted for a separate Institution for the girls?—Yes.

John Cooke, J.P., sworn and examined.

John Cooke,  
J.P.

1454. Sergeant Dodd.—You are a member of Gwyn's Board?—Yes.

1455. You are a different sort of Cooke from the Young Cooke?—Quite different.

1456. You are in favour of the boarding-out system?—I am.

1457. That is from the analogy of the two Orphan Societies?—Yes, and for other reasons as well.

1458. Dr. TRAILE.—What other reasons?—I had the experience, during the last year or two, of the boarding-in system at the Institution. We had great

difficulty in getting people to come forward to apply for vacancies. We had got down to thirty boys receiving the benefits of the Endowment, and we had difficulty in keeping them at the institution. I thought we could do a great deal more good with the money by boarding out. Another thing contained in the Scheme is still before us. Personally, I am exceedingly anxious that the benefits of the Scheme should be taken advantage of to the fullest extent. Of course the boys elected under the Scheme are generally from eight to nine years of age, very few of them exceed ten or

See p. 1182.  
John Cooke,  
J.L.

down, but when they get a little older it is in our power to give them technical and industrial education. Our idea was, that it was quite possible we might part of the Institution buildings for the purpose of Technical Schools. We have more buildings than we require for that purpose, and we were prepared to give the excess over to the Young Governors for the purpose of their Institution.

1457. What was the highest number maintained in the Institution?—Over sixty. But our funds gradually decreased. I would suppose the building might hold 100.

1458. Would it hold thirty girls and also accommodate a Technical School for boys?

Mr. Cooke, n.n.—You would never put the girls and the boys in the same place.

Please.—Under proper arrangements there would be no difficulty at all. We have thought it right to take every advantage of the provision made by the State for Primary Education. Therefore we have sent the boys to the National Schools, which relieves us of the burden of the cost of their education. Then when the boys come to a certain age, if they are promising and likely to benefit by further instruction, we hope, and I believe it is the intention of the majority of the Governors, to establish Technical Schools at Gwyn's, where the elder boys might receive full practical instruction up to sixteen years of age, at which time he will be able to make a good start in life. There is ample room in these buildings both for a Technical School and for a Girls' Boarding Institution.

1459. Are the premises of such a nature that they could easily be divided, so as to completely isolate the girls from the boys?—Completely, without any difficulty.

1460. Are not the girls of a rather better class than the boys?—Up to the present I do not see any difference between them. But there are ample facilities for so separating them that they need never see each other.

1461. I suppose the people objected to send children to the Institution as it would make them "charity boys" or something of that kind?—That was one reason; there were a great many others. The most important, perhaps, was this, that we had not funds to keep them. Our annual income has been greatly

reduced, and our expenses were increased. We had not funds to keep sixty inmates even if there had been sixty applicants.

1462. Where were your funds invested?—In mortgages on land, &c. I should also mention that another reason for the boarding-out was our experience of the general conduct of the boys. They did not turn out a success after being in the house.

1463. They all became printers, I think?—I can give you the reason for that.

1464. Then you say the boarding-out system has improved their morals and general character, and everything else?—I believe so. The children that have applied are of a much better type.

1465. Sergeant Dodd.—As I gather, the Joint Board of Governors would not like anything to be put into the Scheme that would prevent them from using the Institution hereafter for the purpose of Technical Education?—Certainly not.

1466. Dr. TANNA.—Would your Joint Board anticipate any difficulty, such as has been suggested, that, after spending £1,500 on the buildings to make them suitable for the accommodation of girls, the full Board would turn round and deprive the Young Governors of the premises without compensation?—I think the Young Governors created a bogey to frighten themselves with.

1467. You see no reason why a clause should not be put in protecting the Young Governors if they got over portion of the Institution and spent money on it?—I do not believe the full Board would have gone back on their word.

Mr. Cooke, n.n.—The merits of the boarding-out or boarding-in system are not before us. We have the right to demand a boarding-in Institution, and we do not propose to go into the general question here.

1468. Dr. TRAINE.—It is better to have the information available on the subject. It is perfectly relevant to our Inquiry, because we may have to provide, in a Supplementary Scheme, for the separate Institution for girls in Gwyn's Buildings.

Mr. Cooke, n.n.—The Young Governors have investigated the matter carefully. They sent a deputation to Scotland and England to find out the best system in operation. We will hand in a copy of that report.

Rev. Robert Ross, n.n., Chairman of the Young Board, sworn and examined.

1469. Mr. Cooke.—What was the result of your inquiries of this matter of the boarding-out system?—With regard to the boarding-in Institution, as against the boarding-out, we visited the Home connected with the Presbyterian Orphan Society in West, and were shown over it in the kindest way by Mr. Johnston. They keep about 30 or 40 girls in their books. These girls are drawn in from the ranks of the boarded-out orphans, and are taught manual and industrial work—cooking, laundry, dress sewing, and general household work. We thought the Institution admirably conducted, and capable of conferring great benefit upon the pupils. We considered that it compared most favourably with the boarding-out system. In fact, there is no comparison in the advantages derived from an Institution of the sort, and those derived from attending a National School and remaining in the environment of their own homes. We visited similar Institutions founded by Mr. Quarrier between Greenock and Glasgow. These are for boys and girls, and are excellently managed. The funds are provided by philanthropic people. The children are taken in from a week old, and receive an Elementary Education and a Technical training, some to be sailors, blacksmiths, &c. Every kind of industry is taught in these Homes. The boys and the girls are kept separate.

1470. Mr. Cooke.—From your inquiries, Dr. Ross, and the inquiries of Mr. Cooke and the other members that went over with you, did you come to the conclusion that the Institution was the best system to be adopted for girls?—My own opinion is that an Institution is the best, combined with the boarding-out system carried out to a certain extent. I go in for the dual method. We could benefit a number of young girls by boarding them out in proper homes, as we could not take them too young into an Institution.

Sergeant Dodd.—That is exactly the view of the Joint Board.

Witness.—I am in favour of a dual scheme combining the two—education in the National Schools up to a certain age, and their training in an Institution after that.

Sergeant Dodd.—That is the very meaning of "at present" in our resolution.

Mr. Cooke, n.n.—The Young Governors claim the right to found an Institution under Clause 17, and they think now is the proper time.

Witness.—A number of us thought the Board had really no option, after an application in due form had been made, but to carry out the Scheme for a Joseph Young Institution.

1471. You claim that your Board has the right to determine whether the time had arrived or not?—Yes, decidedly.

Rev. Robert  
Ross, n.n.

Aug. 8, 1892.  
Rev. Robert  
Ross, n.d.

1474. You are one of the original Trustees under the Will of the late Mr. James Young?—I am.

1475. You were present when the Commissioners were sitting here settling the Scheme?—I am not sure that I was present.

1476. I believe you wrote a letter to the Commissioners on that occasion setting forth that it was on the condition of the insertion of Clause 17 that your Governors consented to the Scheme passing in the present form?—We hoped that provision would be made for our separate control. It was not, we thought, adequately provided for in the Draft Scheme heretofore, and we requested that adequate provision be made in the new Scheme.

1477. Did you communicate with the Secretary of the Masonic Female Schools in Dublin?—I believe a letter was received from that gentleman.

Mr. Cook.—The following is the letter:—

" 18 Burlington Road,  
Masonic Orphan Schools,  
Office : 14 Moleworth Street,  
Dublin, 10th December, 1892.

" H. J. Cooke, Esq., London.

" Dear Sir,

" I am in receipt of yours of 9th inst., and in reply to your inquiries I should say that girls can be much better trained and educated in a Boarding School than by farming them out to friends, and having them attend the District National Schools. To my mind there is no comparison of the advantages of the one system over the other. Our Masonic Boys' and Girls' Schools are perfectly distinct, though worked on much the same lines. Most Governors are connected with each School, though not necessarily, the qualification being a payment of £10 for a Life Governorship or £1 per annum Annual Governorship. The Schools are worked by Committees, House, Finance, and Education, whose recommendations are ratified by the meetings of the Governors once a month or Board day. The members of these Committees are chosen for each School and each has an honorary secretary of its own, all those having offices being elected annually. Our Schools are not worked under the Educational Endowment Commissioners.

" Yours faithfully,  
GRAVES S. ELLIS,  
Box. Secretary, n.s.o.s."

Witness.—I would like to add that if we had an Institution opened in Gwyn's premises, and I see no difficulty in the way, I would not make any objection on the ground of a lease. I think with your recommendation I would be disposed to take the honourable obligation of the Governors as our security, and that we might have expended £1,000 or £1,200 in adapting it for our purposes. That was my own conviction all along.

1478. Dr. TRAILL.—Why did it fail through?

Witness.—Just in consequence of the difficulty about the lease, the uncertainty of the tenure. I wish to add that I think the boarding institution would be in harmony with the intentions of the testator, and with the provisions of the Scheme, and that it will enable us to benefit the senior girls to a much greater extent than is possible at present. If we perpetuate the present system of boarding out, the Charity will fail to accomplish the ends which the Commissioners intended it to accomplish. If we had an institution we could give them there a Technical Education in laundry work, in household work, in knitting, and in sewing, which would be a very great service to the community. There is a great need for that class of girls, and if you could turn out ten or fifteen or twenty of them trained to domestic service every year, it would be a great boon to the city and a benefit to themselves. It would be possible to bring moral influences to bear upon them in an institution under the care of a suitable Lady Superintendent; which it would not be easy to do if they were scattered from house to house.

1479. Sergeant DODD.—As I understand it, this home in Belfast is supplemental to the boarding-

out system as carried on by the Presbyterian Orphans Society!—Precisely, the children are boarded out with friends and relatives and others, and when they attain a certain age they are taken into Mrs. Johnston's Home by selection.

1480. Dr. TRAILL.—We visited that Institution on one occasion and were very much pleased with it.

1481. Sergeant DODD.—Would the institution you propose to establish be analogous to Mrs. Johnston's Home; for taking up the senior girls and training them for work?—Yes, but in Mrs. Johnston's Home they also give them a good education.

1482. Dr. TRAILL.—Did you contemplate limiting your institution at Gwyn's to girls of a certain age, boarding the younger ones out, or would you take some of the young ones into the Institution instead of the older ones?

Witness.—There should be a day school in the Institution for a certain number of hours a day, and the young ones might come there and be educated.

1483. Are not a great many of these children orphans?—A great many.

1484. Would you be ready to take into this Institution the younger as well as the older girls?—For education, but not for boarding.

1485. Where would you board them?—I would have them out. The boarding-out system is a town business, and not a country business.

Sergeant DODD.—They are boarded out in the day and sent to a day school.

1486. Dr. TRAILL.—And these thirty girls board out attend the National Schools?

Sergeant DODD.—Yes, they take advantage of free National Education, and then they will come in for Technical training and their education will still be carried on.

1487. Of course you are aware that poverty is not the test of qualification in connection with the Young Endowment?—I really was under the impression that it was intended for the poorer population.

1488. Lord Justice FITZGIBBON pointed out that it was intended for girls generally, not necessarily of the poorer class at all.

Witness.—As a matter of fact the applicants for the charity belong to the poorer classes.

1489. Have you had applications from other classes, from the children of persons reduced in circumstances or anything of that kind?—I am not aware.

1490. Do you apprehend any difficulty in the working of this institution for girls if the boys were brought into the premises for Technical Education?—I think there can be an effective separation made between the boys and girls. The place can be made to accommodate us, and to serve the purpose we intend, and yet leave room enough to give Technical Education to the boys.

1491. You are satisfied the building can be made adequate for both purposes?—Yes.

Mr. COOK, n.d.—We hold it is in the discretion of the Young Governors to use their own judgment as regards to the desirability of founding an institution. It is a matter for their determination. We have only given this evidence to show how the matter is working, and not with the view of justifying our position which is legally unassimilable and cannot now be interferred with by the Commissioners.

Mr. GILLILAND, solicitor, said the Young Governors did not admit the propriety of going into evidence as to the merits or demerits of boarding out or boarding in. They had prepared no elaborate evidence, but if the Commissioners wished information and decided to hear more of the boarding question they would be happy to comply.

1492. Dr. TRAILL.—It would be interesting to us to know what their views are.

Mr. GILLILAND.—We will give any evidence we can, including the report of the deputation appointed by our Board to visit Belfast and other places.

Sergeant DODD.—I am personally aware that the

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said regarding Mrs. Johnston's home is not either true or accurate in some respects. The object of the home is not to do away with the boarding-out system, but to take the girls up at a certain stage and complete their training. Gwyn's Governors propose to do the same thing for both boys and girls. They considered that the proper system is to avail themselves of the free National Education, and to save their funds for the purpose of helping the children at the time when they most need helping. They hold that it is inexpedient to start a school in opposition to the National Schools of the country. They can avail themselves of the National Schools in the City of Derry. They can put the children along with the rest of the family in the home, and maintain them there. Then, when they come to thirteen or fourteen years of age, provision can be made for their practical training for the future positions they are to fill in life. The boys will be taught trades and industries; the girls will be taught to cook and sew, and sent out to domestic service. The object of the Gwyn Governors is to conduct their trust pretty much on the lines of the Presbyterian Orphan Society with a home or school for the older pupils. As all the existing pupils, boys and girls, are very young, there is no material at present for the supply of boys and girls for a Home or School; but, when they get a little older, it is contemplated to use part of the building for the boys and part for the girls, and that, I am instructed, is the sense of the words "at present" in the resolution. This is the object, and I think it is an object that will be best conserved by having the Boards amalgamated. An attempt was made to secure a amalgamation, but the Young Governors would not consent, and so negotiations were opened for having this pro-

vision in Clause 17 enforced. This fell through because of a mistake as to procedure in the first place, and because of the Young Governors, or a section of them, insisting upon a lease in the second place. When they found that they could not get what they thought reasonable security for their expenditure they let the matter drop. I can hardly say that either party is to blame for the present position of affairs. The Young Governors are to blame, if blame could attach to them for that reason—for not having completely amalgamated; for if they had been completely amalgamated no such difficulty or deadlock could have arisen.

Both sides having handed in copies of minutes and resolutions bearing upon the question at issue,

Sergeant David said he desired the Commissioners to hear a statement by Mr. Tillys with regard to the working of the Presbyterian Orphan Home; and also evidence by Mr. Lowe, of Edinburgh, who had great experience both of the boarding-in and the boarding-out system. There was a very trifling point of difference between these Derry gentlemen, and he thought the powers the Commissioners possessed, both of compilation and persuasion, would practically bring them together on that occasion, and avoid further contention or litigation or difficulty.

Mr. Gilfillan.—The Messrs. Cooke are not at all of the opinion that it would be better to have the Boards amalgamated. They desire the Boards to be kept separate as they consider that they can thus better carry out the objects of each charity. That was their impression at the outset, and everything that has occurred since has deepened the impression. Probably you will have seen the reason why during the course of these proceedings.

Walter Bernard, M.D., sworn and examined.

1503. Mr. Gilfillan.—You are a doctor of considerable practice and experience in Derry?—Yes.

1504. Are you doctor for the Gwyn Trust?—Yes.

1505. You attend the boys of that institution if they are ill?—Yes.

1506. Have you also lately been appointed doctor for the Young Trust?—Yes.

1507. Now have you, from your observation of the working of the Young Charity, formed any opinion as to whether the institution or the boarding-in plan is the better?—Girls have not the same power of resistance to withstand the unsanitary conditions of their homes as the boys have, in consequence of being more delicately organized and more highly strung. They are huddled together in their houses; the majority of them are unkempt—a few of them are hygienic—and they mix with people of the opposite sex at night. They sleep in small rooms, huddled together.

1508. Dr. TRAILL.—Are you speaking of the girls boarded out under the Young system?—Yes.

1509. Mr. Gilfillan.—Are all these girls boarded out in the city of Derry?—Yes.

1510. Dr. TRAILL.—This is startling. Am I to understand that they are boarded out at present with a number of people in the same room?—I have seen them with other people. I have been obliged to have a girl moved from the kitchen to the outer room in order to have her isolated and properly treated with any degree of care or intelligence.

1511. Mr. Gilfillan.—All the mothers, as a rule, as far as you know, are in poor circumstances?—Yes, they are.

1512. Dr. TRAILL.—Do you mean the mothers of the children that are boarded out?—As a rule they are boarded with their mothers, in the majority of cases.

1513. Mr. Gilfillan.—You have already stated that places are not as well fitted for boarding out as boys are?—Certainly not.

1504. Then in regard to the habits of the boys and girls do you find that the boys play more—take more exercise?—The girls ought to have some supervision over them when they go out to play. There is no supervision over them in the streets. They play with the boys.

1505. Whatever may be the reason of it, do you find that there is much more mortality amongst the girls boarded out under the Young Charity than amongst the boys under the Gwyn Charity?—Yes, there is less sickness amongst the boys than amongst the girls.

1506. Are you of opinion that the girls would be better in an Institution?—Yes, where they would be kept thoroughly clean and have regular meals and nourishing food.

1507. Dr. TRAILL.—Am I to understand that the Governors have made no stipulations with these to whom they gave the girls in charge?—I have reported cases of the unsanitary condition of houses.

1508. I could not conceive such a system of boarding out by any set of Governors. They should positively refuse to pay any money to any parent who did not keep the child clean and under proper sanitary conditions, and surroundings.

Mr. Gilfillan.—We find it extremely difficult to deal with the mothers and relatives. Nothing short of taking them off the Charity altogether will have any effect.

1509. Dr. TRAILL.—You could simply say "I won't pay the money."

Mr. Gilfillan.—That is the only thing we can do. With regard to food; do they get proper food?

1510. Dr. TRAILL.—They do not. The money goes into the general fund of the house, and is not applied for the benefit of the pupils.

1511. Dr. TRAILL.—Is there a system of inspection?

Mr. Gilfillan.—Yes, we have a matron.

1512. I suppose Dr. Bernard is the Inspector?

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Mr. GILLISDALE.—Not unless there is sickness.

Sergeant DODD.—That shows you how admirably fitted the Young Governors are for the discharge of their duties.

Dr. TRAILL.—You need not assume that yet.

1512. Mr. GILLISDALE.—So far the system has not worked well here at all events!—Uncommonly badly.

1513. Sergeant DODD.—Am I right in understanding that the boarding-out system has worked well with the Gwyn's boys?—Better than with the girls, but I am not satisfied with it.

1514. Aren't you aware that when anything goes wrong the person in charge of the child is fined, and the regulations of the Governors are strictly enforced by their Inspector?—Yes, I have reported cases myself.

Annie  
Gilliland.

1515. Mr. GILLISDALE.—Are you superintendent of the girls who are boarded out under the Young Charity?—Yes.

1516. How long have you been so?—About eight months.

1517. How many children are boarded out?—Thirty-two.

1518. How many children are with their mothers?—Twenty-eight.

1519. Of the remainder, the other four, how many are with strangers?—One.

1520. And the other three are with relatives?—Yes.

1521. Now, from your observation during these months, do you consider whether the children would be better or worse in an Institution?—Some of them would be much better in an Institution, but some of them, I do not think, could be better. Some are very well.

1522. With regard to the money that is paid under the Charity to their mothers and other relatives, do you consider that the children, as a rule, get the benefit of that money?—Some of them do.

1523. Do the majority of them?—Well, some of them are very poor.

1524. Dr. TRAILL.—How much is paid for each?—£1 a month.

1525. Is that expended over the whole of the family?—It passes into the funds of the household, and is then used in common.

1526. Is there more than one child selected in one family?—In three cases we have two girls in the one house.

1527. Are there other children in the same house not selected?—In some cases.

1528. Mr. GILLISDALE.—Are there some cases in which there is very little to support the whole family?—Yes.

1529. In the majority of cases that have been taken up the children are of very poor parents?—In the majority of cases they are very poor.

1530. Do you find in some of those cases the mothers require to go out all day long?—Yes.

1531. Do you find that in consequence of that the children are not so well taken care of?—Yes, where the mother has no one to leave behind in the house, I consider the child neglected through the day in the mother's absence.

1532. You have found that in several cases?—In some, we have not in many.

1533. From the fact of many or most of the parents being very poor I would suppose they live in poor localities of the city?—Most of them in a very poor locality.

1534. And in consequence of that do you consider that the surroundings of the children are not what they ought to be?—In some cases.

1535. Do you find the children when they come from the school out upon the streets?—Of course; some of them.

1536. Sergeant DODD.—Like the children of the artisans of the town.

1537. Dr. TRAILL.—How much would these chil-

1538. And they have been immediately acted upon and remedied!—Not always, but for the time being.

1539. Your experience is that the children that are taken care of by the Young Governors are unkept, bad-tempered together, untidy, uncouth, not fit, ill-tempered, care-of?—Yes.

1540. Mr. GILLISDALE.—We think the boarding out is a complete failure.

Sergeant DODD.—You can make it work badly if you like.

1541. Dr. TRAILL.—The fault lies with Mr. GILLISDALE's clients.

1542. Mr. GILLISDALE.—No, it lies with the Joint Board. They selected the people and the people with whom they are to stay, and they are responsible for the adoption of the system, and for its consequences.

#### Annie Gilliland sworn and examined.

dear cost if they were in an Institution—have you had any experience?—I have no experience.

1543. What experience have you had of children?—I have never had any experience of an Institution.

1544. You have had nothing to do with an indoor Institution?—No.

1545. Do you find difficulty in many cases in getting the mothers to keep the children clean?—They do not pay very much attention to it.

1546. How often do you see each child?—I should see it every week, but in some cases the child is out. I am supposed to see them once a week in school or home.

1547. In regard to the schools that the children go to, they go in each case to the nearest National School I suppose?—Yes, the nearest school of that own denomination.

1548. Is that always the best school they could go to?—Not always, I think.

1549. Do you consider the children could, with more advantage, go to other schools?—Except there was a resolution passed that could not be done.

1550. Even if there was a resolution could it be carried out?—Yes, if there was a resolution of the Governors.

1551. You could carry it out?—Of course.

1552. Sergeant DODD.—The schools must be approved of by the Governors to which the children are sent?—Yes.

1553. Now aren't the children as well taken care of as the children in the same rank of life, as regards matters of food and looking after?—Some of them are and some are not.

1554. Anything that happens arises you report to the Governors, and if they find the Charity is being abused they have the power to withdraw it?—Yes.

1555. The amount you spend is £1 per month for each child, £12 per year for the entire maintenance?—Yes.

1556. The mother gets that, and of course he helps to keep the family going as well as the child. Do you object to that system?—Don't you think it the kindest and best way of administering a fund like this, rather than taking the child away from his home?—The children in some of the houses are comfortably clothed and fed and well taken care of. They could not be better in an Institution, but in some of the houses I have said all along the children are very much neglected.

1557. How many instances of neglect have occurred out of the twenty-two or thirty-two?—We have had some very extreme cases, some painfully poor distressing cases.

Sergeant DODD.—Because you had some very poor people upon your Charity.

1558. Dr. TRAILL.—This charity is not intended for very poor people.

1559. Sergeant DODD.—You have selected some very poor people and then you complain that they have not the same care and comfort as rich people?

**Witness.**—I have no power in the matter. There is no reason why they should not be kept in good condition.

1557. How many cases have you, as a matter of fact, reported during the eight months to the Governor?—There have been two cases of great distress, and a great many cases of sickness—at least a good many cases of sickness.

1558. How many cases have you reported to the Governor of mismanagement by parents, of the funds given to them?—I cannot say.

1559. Have you sent in a single report complaining of mismanagement of the funds given to the guardians of the child?—I must have, I think.

George Knox Gilliland, F.R., sworn and examined.

1560. Mr. W. L. Gilliland.—You were one of the original Gwyn Governors?—I was.

1561. Have you been a Young Governor since the Scheme was established?—I have been.

1562. Have you been regular in your attendance at the meetings?—Fairly regular.

1563. Can you tell the Commissioners how the Scheme worked generally as between the Governor—Well, as you have heard, there has always been a difference of opinion with regard to the reading of the strict Classes, and we have spent a good deal of time trying to find out what the Classes really meant. A good deal of the time of the meetings has been taken up discussing certain points. Some people thought it had not power to do this or that, and others thought we had.

1564. Has the greater part of the discussion arisen upon Classes 16 and 17?—Yes.

1565. Well, now, in consequence of these disputes, has the Scheme been workable at all lately?—Well, there has been considerable difficulty.

1566. Now, can you tell us anything about the board-and-earn system. You have not investigated it at all yourself?—I have my views and opinions about it.

1567. What are your views?—My ideas about the board-and-earn system are that I employ a good many men in the county and also in the town, and I know something of their houses. A great many live in villages of my own, and I know how these cottages are conducted. The girls are not taught cooking and other household duties in the way that they might be, and, in my opinion, a child put into one of these houses would not learn very much that would be useful for after life. As far as I can see a Home where girls would be trained would be highly beneficial.

1568. Dr. TRAINE.—If you wanted to train them for domestic service you would not train them at their own houses?

**Witness.**—Not exactly. In few of the farm labourers' and artisans' houses in the country are the children taught cooking or other domestic duties.

1569. You mean that the wife of the future artisan would be better trained in a home?—My idea is very much that of Dr. Ross. I do not think the buildings at Grey's would be suitable for the sort of house that the Young Governors require. I think the money best would be required to improve Gwyn's Institution, which consists of large rooms, would be better laid out in a single house with a number of small rooms. My idea all along has been that ten or fifteen girls should be selected, from the girls that are boarded out, and taken into the Home for say two months at a time and trained to work, and then be sent out again to come back in rotation.

1570. That is a very good idea. That is something like the way the girls are sent to the Model Farm at Gloucester.

**Witness.**—There would also be this advantage of the system I propose, that you could have a batch of them, all of one religious denomination, at one time,

1571. Was any action taken by the Young Governors?—In one case, I do not know if anything has been done as there is a law suit pending. I have reported a case of mismanagement which has been set right by the Governor. I reported a case where the mother was insane and the child was dreadfully neglected.

1572. What did the Governor do?—They put her with strangers.

1573. Have the strangers taken care of her?—Yes.

1574. The Governor put her in the care of a man person, and in the other case there is a law suit pending about something or other: is that your evidence?—Yes.

1575. There has been no report sent to the United Board by anybody at all events?—It is not my duty.

See p. 134.  
Austin  
Gilliland.

George Knox  
Gilliland, F.R.

whereas, if you had a large Institution they would be mixed and there might be difficulties. I would not propose to have anything but a Home. I would not have a school connected with it. I would allow the girls to go out daily to the public schools, and then to come back to the Training Home instead of going to their own homes. They could be trained for three months in the year, say twenty Church of Ireland children at one time, twenty Roman Catholics at another, and twenty Presbyterians at another.

1576. Rev. Dr. Wilson.—You might have two or three houses of that kind?—I would propose one house as a trial, then two, three, or four houses might be taken. So many might be employed in the kitchen, so many at sewing, and so many at other avocations. I have been thinking over this matter for a few days, but have not committed any of my colleagues.

Dr. TRAINE.—It is very important evidence, and we are very much obliged for it.

1577. Mr. W. L. Gilliland.—Do you see any advantage in having an amalgamated Board?—I do not see any. The expense would be about the same.

1578. You have two Secretaries and two Superintendents?—Yes.

1579. You have one Doctor, but he is paid two salaries?—Yes.

1580. Have you any opinion with regard to the size of the present Board?—I think twenty-four members are too many.

1581. How many meet on an average?—When there is any burning question on, there is always a full attendance. We have tried to read the Scheme as well as we could.

1582. Dr. TRAINE.—Are you in favour of separating the Scheme for the Young Servants?—On the whole I think it would be better carried out.

1583. Mr. W. L. Gilliland.—With regard to the training of the children, you would not press to restrict the Charity to training domestic servants solely?—No.

1584. Is there, as a matter of fact, a demand for domestic servants?—Yes, but I would not train them entirely for that purpose. It would be an advantage to train them for different occupations.

1585. I believe one of the girls now boarded out is likely to make a schoolmistress?—I believe so.

1586. Sergeant Dodd.—Suppose you had this home started, and these pupils coming and undergoing training for three months each year, what reason is there why the management should be exclusively committed to the Young Governors rather than to the general body?—My only reason is the overbearing way in which the Gwyn Governors used to carry everything their own way.

1587. Dr. TRAINE.—The result of twelve months' experience?—I do not wish the Gwyn Governors to come down and sweep the smaller body out of existence altogether. I am a Gwyn Governor still.

R

Jan. 4, 1882.  
George E. Young,  
Gilliland.

1586. Sergeant Dodd.—The Gwyn Endowment is an entirely open Endowment—it includes Episcopalian and Presbyterians—I believe so.

1587. Are you aware that the Trustees mentioned in Mr. Young's Will are entirely of one denomination?—Yes, exclusively Presbyterians.

1588. If the Young Endowment is carried out, it must be carried out by an exclusively Presbyterian Board—I cannot say.

1589. According to the late Mr. Young's idea, when he selected his Trustees, would not the Scheme, if framed for the express purpose of carrying out the Young Endowment, be a purely Presbyterian Board?—That is a question I cannot answer.

1590. Dr. TRAILL.—If the Young Governors are to be separated would they object to have the Board made more representative of the Protestant denominations?—I am not prepared to say.

Mr. W. L. Gilliland.—I am prepared to examine Mr. Joseph Cooke as to what he understood was meant when the Scheme was being framed.

Dr. TRAILL.—We cannot take the evidence of what people understood. We have got the evidence before us. We cannot go beyond the plain language of the Scheme.

Mr. Gilliland.—The Young Governors passed a resolution on 30th December last instructing me to take all needful steps to appear on their behalf to-day, either to obtain a new Scheme or such amendments of the existing Scheme as would allow of the application of the Funds for the purpose of the Charity.

1591. Dr. TRAILL.—I take it that it is under that resolution you appear. If a new Scheme should be given to the Young Governors would they be prepared to accept a Scheme on a broader basis than a merely Presbyterian Governing body?

Rev. James Coryin.—There are people outside Young's Board who would resist that. Young's Endowment was a Presbyterian Endowment, is a Presbyterian Endowment, and must be kept a Presbyterian Endowment.

1592. The Governing body is exclusively Presbyterian, but the children need not be so.

Rev. James Coryin.—I speak as a Gwyn Governor, and as a humble resident in this city, in opposition to any change in the Presbyterian basis of this Presbyterian foundation.

1593. Are you one of the Young Governors?—No.

1594. Supposing the Young Governors find themselves overwhelmed, as they say they have been, by the members of another Board, and they ask us to constitute them separately, might they not prefer to act a little more liberally and admit the members of other Protestant denominations?

Rev. James Coryin.—The Scheme was accepted as a compromise as a whole, and was so prepared that an appropriate balance was given to each denominative under this joint Scheme. But I speak for myself, and for a number of gentlemen around me, when I say that if a separate Scheme be given to Young's Endowment it shall be managed by Presbyterians exclusively,

inasmuch as Mr. Joseph Young contemplated that, and that alone.

1595. Supposing, on the other hand, that Joseph Young's representatives ask us to give them a Scheme, still containing a large Presbyterian majority, but including a certain number of representatives of other denominations, would that be opposed by you?—  
Rev. James Coryin.—Most certainly.

Mr. W. L. Gilliland.—I am instructed by the Young Governors to say that they would be quite willing if they get a separate Scheme, to have the Board drawn on the same principle as at present, and they would not ask to be restricted solely to one denomination.

1596. Sergeant Dodd.—Has the Board given a declaration on the subject?

Mr. Gilliland.—No.

1597. Sergeant Dodd.—You are speaking for individual members of the Board?

Mr. Gilliland.—For some members of the Board.

Dr. TRAILL.—Mr. Gilliland was instructed to appear for the Board in a certain sense.

Mr. Gilliland.—What I am instructed to ask is an amendment of the Scheme, or a reconstitution of the Board, and I understand the feeling of the Governors to be that they would not insist upon the new separate Board being exclusively confined to one denomination.

1598. Dr. TRAILL.—In that resolution one of the things asked for by the Young Governors is a new Scheme incorporating a separate Governing Body for the Young Endowment, and when we lay our report before the full Commission, that is one of the things we are bound to state—that the existing Young Governors are prepared to have a Governing Body of a more liberal character than a purely Presbyterian one.

I do not think they should be asked to give up the Presbyterian majority, but an exclusively Presbyterian Board is a different thing entirely.

Rev. James Coryin.—The original Board of Trustees was exclusively Presbyterian.

1599. I know it was; but if the gentlemen who represent them now, the Messrs. Cooke, prefer to have a new body independent of the Gwyn gentlemen altogether, on a liberal basis, but still keeping the Presbyterian majority, I don't see how we could refuse it.

Rev. James Coryin.—On the same principle when a Roman Catholic or Episcopalian majority may exist are you prepared to take the same course?

1600. Certainly, if they ask it themselves. The only objection brought against us is if we try to force it upon them.

Mr. Gilliland.—The Young Governors are not at home. I assume it would be necessary to call a special meeting before the matter could be formally decided. The view of the Messrs. Cooke is that the Young Charity is at present managed by a mixed Board owing to the Gwyn Governors having control; and if the Young Board were separated from this mixed Board, my clients see no reason for objecting to the new Board being made somewhat more representative denominationally than the Young Board is at present.

#### Joseph Cooke sworn and examined.

Joseph Cooke. 1601. Dr. TRAILL.—How many of the annuitants are still alive?—There were fifteen at first who received £50 each annually; of these, six are dead, nine are living.

1602. There is not much available then for the purposes of the Charity?—£1,200 a year.

1603. What money have you available for the £4,000 required to build an Institution?—This is the first year for that.

1604. You have nothing set apart for that?—£100 applied to the Building Fund.

1605. In case Gwyn's Governors do not give you their buildings, or in case you should take Mr. Gill-

land's view, and build or buy a house, how much money have you available towards that £4,000?—£600.

1606. None previously?—Oh, yes.

Sergeant Dodd.—Under Clause 17, if the Gwyn people do not consent to let the premises, the Young Governors must have a capital sum of £4,000 before they found an Institution.

1607. Dr. TRAILL.—Have you capital available to the extent of £4,000?—We would not require £4,000.

1608. The Scheme says (reading).—“Whichever the said Endowment shall suffice to provide a capital sum of £4,000, in addition to the income of £1,000 per

same, the Governors shall proceed to establish such institution."

**Sergeant Dodd.**—We are accumulating a fund.

**Sergeant Dodd.**—They have no power to establish an Institution.

1612. Dr. TRAILL.—If they have an income of £1,200 a year, they could borrow £4,000, for which they would pay £150 of interest, and they would still have £1,000 of a clear income.

**Sergeant Dodd.**—£4,000 borrowed would not be a capital sum of £4,000.

1613. Yes, if they were able to provide it, and still retain £1,000 a year intact. What is the gross capital?

**Witness.**—£15,000.

1614. There must be a great deal more than £15,000 of capital to produce £1,200 a year. Are the annuities added to that?—The annuities are still taken out of the interest of capital.

1615. I am talking of the investment of money—I mean it is invested, and the interest of that pays the annuity to these people, and leaves £1,200 a year. The amount of money invested would not produce £1,200 a year, but we add the share of the annuities that are dead.

1616. Does the £1,200 a year, available as income, include the liability to pay a certain amount to annuities still?—The annuities are paid out of that.

1617. How much do you pay the nine annuities?—£50 a year each, £450.

1618. How much in addition to that have you

available?—These annuities' shares, £300.

1619. But the six are dead and have not any shares. What is the annual income of the Endowment?—£1,200 a year, but there is £450 to come out of that.

1620. Then you have not got £1,200 a year?—That is the income last year.

1621. You are not yet in a position to go to the Governors at all.

**Mr. Guilliland.**—You will observe that it is optional with them to apply to the Governors at present for an Institution; but when they have a capital sum of £4,000, and £1,200 a year, they are bound to proceed with the establishment of an Institution. Clause 17 says they shall do it. It does not say, however, that they shall not have the power to found an Institution until they have the amount of money stated.

1622. Dr. TRAILL.—On what grounds did the Governors pass the resolution that, in their opinion, the amount of the Endowment available was now sufficient for the purposes of the Charity?

**Sergeant Dodd.**—I do not know.

**Mr. Guilliland.**—It comes with peculiar grace from the Joint Governors to raise this point after they adopted that resolution themselves.

**Sergeant Dodd.**—We were bound to adopt it and endorse the action of the Young Governors. It appears the revenue is not sufficient, only £500 a year at the present time.

**Mr. Guilliland.**—£500 a year would keep 30 pupils at the rate which prevails at the Johnston Institution.

William TILBIE, D.L., sworn and examined.

I wish to state, with reference to what has been said about the proposed reconstitution of the Young Board, that, as a Young Governor, I would do all I could to have it so arranged that we should have as good a Presbyterian representation on it as possible, and I am sure there are other three or four Young Governors that would join with me in that.

1623. Dr. TRAILL.—To make it exclusively Presbyterian?

**Witness.**—Suppose the Young Governors go for the change that have been talked of to-day, it will be our duty to guard Presbyterian interests. The point on which I wish particularly to touch is that dealt with by Dr. Ross, in reference to his visit to the Johnston Institution in Belfast. I have also visited the Institution, and had all the working of it explained to me by Dr. and Mrs. Johnston. If we had been over so anxious about the duplicates of that Institution, or something resembling it, we have not the material within our reach. We mostly get very young girls. Girls of such a size as they have in the Institution in Belfast you will not get in Derry, because they are all employed in the factories and making good wages, and would not come into an Institution like this at all. These girls in the Johnston Home are girls selected from all the poorest parts of Ireland, on account of their specially good character, their aptitude for learning, etc. I know that Dr. Johnston has the greatest satisfaction in the reports which he receives from different parts of the country in reference to the boarding out of the girls under their parents or other relatives of good character. From long experience and observation I consider it is a great calamity to detach any child from

William TILBIE,  
D.L.

its mother and from family life, and place it in an Institution. I am not against taking the older children and putting them in a Home or Institution and giving them a Technical Education, but I would only make it a day school and let them go to their bosoms in the evening and get the benefit of family influences. I am not in favour of an Institution that would keep children night and day, as long as there is a surviving parent.

1624. Dr. TRAILL.—In the case of orphans would you be in favour of boarding them out with their relatives or with other respectable people of the same religious denomination as themselves and of good character?—Yes.

1625. Even in the case of orphans you would prefer the boarding out?—I think it would be better. I think the objection to having girls in an Institution is far stronger than in the case of boys, because girls require more of a mother's help and care than boys do. Boys are better able to pack their own way.

1626. The Doctor's evidence was to the opposite effect—I don't agree with the Doctor.

1627. Mr. Guilliland.—Do you think the boarding-out system works as well in the towns as in the country?—I believe it does because the Presbyterian orphans are in the towns as well as in the country. There are a large number of Presbyterian orphans in Derry. I know the gentleman who inspects and examines them and he is well satisfied with their condition.

1628. Do you know anything about the work of the Protestant Orphan Society?—I know it is the same as our own. It has been brought into harmony with our system and works admirably.

David Lowe sworn and examined.

1629. Sergeant Dodd.—What are you, Mr. Lowe?—I am connected with the Hospital in Edinburgh, at first used to be known as Heriot's Hospital, it is now Heriot's College or School. Heriot's Hospital was the oldest Institution of the kind in Edinburgh. It was founded in 1625 upon the model of Christ's Hospital in London. A number of other Institutions of a similar sort were founded in Edinburgh and

David Lowe.

carried on until 1870, when considerable changes were made both in Heriot's Hospital and in the others. Four Institutions, which were conducted under the auspices of the Merchants' Company, received Schemes transforming them into purely day schools, secondary schools. At the same time, in deference to the desires of some of the Governors, boarding houses were taken and the buildings entirely turned into schools. Houses

Dec. 4, 1886.  
David Lowe.

were hired, and a certain number of founders kept in these houses. That was found to be a very ineffective way of dealing with the question. The houses were given up and the children entirely boarded out. The Institution I am chiefly connected with is for boys. There are two others for boys and two for girls. They were all boarded out. In connection with Heriot's Institution there were some difficulties between the Governing Body and the Commissioners, and we did not receive a Scheme until six years ago. I had previously been Head Master of the Institution under the old regime, and I held the same position still, so I know what the circumstances are, both as regards boarding in and boarding out. Under the old regime there were 180 founders, and now we have 1,000 day scholars. The expense of carrying on the Institution on the old lines was something like £8,000 a year. Under the new system we carry on the education of 1,000 children, and board out 120 for about £3,000, so that on the score of economy it is advantageous. An allowance of £20 a year is made to the founders that are boarded out. We are extremely careful about the class of children selected. The first condition of qualification is that of poverty, relative poverty. Visits are paid by the Governors to the houses and inquiries made as to all applicants. If any of the households fail to satisfy the Governors no grant is given. The Treasurer of the Institution and myself also pay visits where there is the least suspicion that there is anything irregular. With reference to the health of boarded-out and boarded-in children, I may say that the health of our boys in the old days was fairly good, but the boarded-out children have the advantage in that respect also. The Institutions of the Merchants' Company are carried on in the same way. I am also Manager of two other Institutions, the Yennel School in Edinburgh, and the Orphan Hospital. As a Governor of the Orphan Hospital I was sent to see Quarier's Homes, and was greatly struck by them. But I found that much of the success of those Homes was due to the enthusiasm of the man who has conducted them for a number of years past. It is almost impossible to set up a similar type of Institution unless you have the same kind of man to carry it on. We sought to introduce something in connection with the Orphanage Hospital; but so far we have done nothing. The Yennel School children go to a day school and live at home with their parents. They attend school fairly regularly, and are instructed in Elementary School work and in cooking, sewing, knitting, cutting out, and things of that kind. We got our Scheme in 1886, and under it we were to carry out the Institution entirely as a day school, but only for children above ten years of age. We have workshops for iron and wood, laboratories for physics and chemistry, and when our boys are done with our department they go on to another Institution under the same management, the Heriot Watt College, where they attend classes and may be taught trades. The old founders are further provided for by getting £10 a year during the time of their apprenticeship.

1537. Do you think there is anything impracticable or unworkable in the Scheme for the management of the Gwyn and Young Endowments, or in the suggestions made by various gentlemen here for the providing of means for training the children after they have been boarded out for several years attending the ordinary schools?—I am impressed with the advantage of having the children boarded out for the present and attending the ordinary schools. The benefit of the Endowments could be more effectively applied afterwards in suitably training the more advanced pupils in a day Institution. It is my strong conviction that this would be the most advantageous plan.

1538. Mr. Gilliland.—Is the Heriot Institution for boys only?—For boys alone.

1539. Have you much experience of the management

of such Institutions in this country?—I have no experience in this country.

1540. You are not acquainted with the Masonic Orphan Schools?—No. I am quite of the Secretary's opinion that there is no comparison between the boarding-out and the boarding-in, but it is the other way.

1541. He knows this country, and you don't, you see—I know the two systems.

Dr. TRAILE.—We are very much obliged to you, Mr. Lowe, for your evidence. It is very interesting.

Sergeant Dodd.—The whole question is whether we are to have this boarding-out system or not.

Dr. TRAILE.—Clearly.

Sergeant Dodd.—You see Section 17 is being availed of by a number of the Young Governors against the rest of the Young Governors and the whole of the Gwyn Governors for the purpose of carrying out their own view. The two bodies are practically joint Governors, and have acted as joint Governors until the Young Governors were ousted on the boarding-out question, when they fell back on Clause 17.

Mr. Gilliland.—It is really too bad to put it so.

Dr. TRAILE.—The dates of the minutes will settle that.

Sergeant Dodd.—The question at issue between them is the solitary one of the boarding out. They have produced evidence here to-day for the purpose of satisfying the Commissioners that the minority were right and the majority wrong upon that question.

Dr. TRAILE.—That is a question that lies in the discretion of Young's Board; whether they will have girls under this Scheme on the boarding-out or on the Institution system.

Sergeant Dodd.—Under Section 20, has not the Joint Board the power to say what shall be done?

1543. Dr. TRAILE.—Under Section 17, the Young Governors have a special power to get up this Institution when they like, we'll reserve the legal point for Lord Justice MacGibbon; but I have not the slightest doubt the discretion lies with the Young Governor. Clause 20 does not override Clause 17.

Sergeant Dodd.—It is because they were advised on the boarding-out question.

Mr. Gilliland.—What we complain of is that we were not being given a fair representation under the Scheme. We want to be allowed to manage our own affairs. Practically the Young Board was wiped out in things hitherto been managed. They were told that they had only to do with the finances of the Endowment, and yet the Funds are vested in the Joint Board, therefore, practically the Young Governors were left nothing to do.

1543. Dr. TRAILE.—The mistake the Young Board made was to let the oinkies into their nest, and it's trying to kick them out now.

Mr. W. F. Digger, *J.P.*, added that he knew of case where widows who would be deserving objects of a Charity would not allow their children to go into an Institution. He had been a Governor of Gwyn's Institution for many years, and was aware that the results had been unsatisfactory; they had not been able to turn out a good class of boys. The boarding-out system was working very well, and was doing far more good than the old system.

1544. Dr. TRAILE.—What about the disposal of the buildings and grounds?—We are to try to carry out what Mr. John Cook, *J.P.*, has said—to found a Technical School for boys of fourteen and fifteen years of age.

1545. Sergeant Dodd.—You do not object to a portion of the buildings being given to the Young Governors?—Certainly not, if they want it.

1546. Dr. TRAILE.—Supposing the boarding-out was carried out for girls as well as boys, what would you do with the buildings?—Turn them into Training

schools for girls and boys. You have not the material to carry for filling a Home like that of the Presbyterian Orphan Society. They are drawn from, perhaps 1,000 girls all over the country. You would not have the same class here.

Mr. Gilliland intimated that Dr. Reid and he would arrange the minutes and hand in copies for the information of the Commissioners.

The Inquiry then concluded.

## PUBLIC SITTING—TUESDAY, JANUARY 10, 1893.

At the Office, 23, Nassau Street, Dublin.

Present:—The Right Hon. Lord Justice FREQUINSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.B., M.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

N. D. MURPHY, M.A., Secretary, and F. BREMOND, B.A., Assistant Secretary, were in attendance.

### SCHEME No. 147.—THE PAROCHIAL SCHOOLS OF THE UNITED DIOCESES OF DUBLIN, GLENDALOUGH, AND KILDARE.

### SCHEME No. 158.—THE PAROCHIAL SCHOOLS OF THE CITY OF DUBLIN AND NEIGHBOURHOOD; THE RALPH MAOKLIN ENDOWMENT; THE GRIFFITH ENDOWMENT; AND OTHER ENDOWMENTS IN THE CITY OF DUBLIN.

#### (OBJECTIONS AND AMENDMENTS).

J. Walsh, B.A. (instructed by H. T. Dix & Sons, solicitors, appeared for the Trustees of Love's Charity).

Following were also present:—The Very Rev. the Dean of St. Patrick's, the Very Rev. the Dean of the Chapel Royal, the Very Rev. the Dean of Christ Church, the Ven. the Archdeacon of Dublin, Rev. Morgan W. Jellett, M.A.; Rev. H. J. Stoney, D.D.; Rev. A. Scriver, Rev. J. W. Trippence, D.D.; Rev. Owen Walsh, D.D.; Rev. Robert Walsh, D.D.; Rev. H. Kingsmill Moore, M.A.; Rev. S. C. Hughes, D.D.; Rev. R. Godfrey Webster, M.A.; Rev. A. L. Elliott, M.A.; Rev. C. W. Welland, B.A.; Rev. R. Wyndham Guiness, M.A.; Rev. T. L. Scott, D.D.; Rev. F. C. Hayes, M.A.; Rev. R. D. Blount, B.A.; Rev. D. Anderson, LL.B.

HON. LORD JUSTICE FREQUINSON.—We have appointed this Sitting to consider objections, according to our ordinary course, to Draft Schemes No. 147, published on May 14, 1892, and No. 158, published on August 13, 1892. The first of these Schemes proposes to deal with the endowments of parochial schools connected with the Church of Ireland in the United Diocese of Dublin, Glendalough and Kildare, exclusive of the city parishes; and the second proposes to deal with endowments connected with that Church in or near the City of Dublin. These two Schemes embrace in their proposals a large amount of property apparently capable of useful application for educational purposes of a denominational character. Since these two Schemes were published we have observed, not from any official communications made to us, but from what has appeared in the newspapers, that they have been made the subject of considerable criticism and of great misapprehension. There is no blame, and however it came about, these two most important Schemes have been postponed to a period of the existence of our Commission in order to contrast unfavourably with what has been done in almost every other diocese of the Church of Ireland and almost every Presbytery in Ireland.

The first matter which I wish to state clearly and distinctly is that these Schemes belong to the class which we call "consent schemes." We have already prepared nearly twenty similar schemes for different dioceses, sometimes including in one scheme the schools of several dioceses under one bishop, as in the case of Cork, Cloyne, and Ross, and of Down, Connor, and Dromore; in other cases we have prepared separate schemes for each of several dioceses under the charge of the same prelate. But in every case we have limited the endowments which were included in the scheme of this class as being denominational, and as not being subject at all to the jurisdiction of our Commission, unless the governing body of each separate school and endowment intimates in writing its consent to have its endowments dealt with under

the Act. In other words, every endowment included in a diocesan scheme is treated as having been provided exclusively for persons of a particular denomination, and is placed by the scheme under the exclusive control of persons of that denomination, namely, the Church of Ireland. Our course of dealing with all denominations in this matter of exclusive endowments may have been, perhaps, more loose than legal, but we think it has given general satisfaction, and it certainly has made injustice impossible. You will observe that we have no jurisdiction over such endowments, except what is derived from the written consent of the governing bodies. No body would like to sign an authority placing itself under our jurisdiction unless satisfied that the scheme which we should frame would be just and beneficial. Therefore, in all "consent cases" we have undertaken the preparation of the schemes upon the request of responsible persons, but we have not required the formal consent to be given until after the draft scheme have been completed. In the first instance, without getting the final and binding consent, on being communicated with by those who want to obtain for their schools or endowments the benefits of our Act, we prepare and publish draft scheme, we give ample opportunity for objections and amendments, and it is only when the schemes are ready to be signed by the Judicial Commissioners, that we call for the written authority from the governing bodies, which is our only authority for bringing the Act into operation. In all the preliminary steps, we act in conditional expectation of the consent being given, and it is only on the fulfilment of that expectation that we can deal with these denominational endowments. If we fail to prepare a scheme which we can approve, and which the governing bodies desire to have, we take the risk of losing a certain amount of labour, but this course has been successfully followed in very many cases, and several of the Diocesan Schemes, framed for the Church of Ireland, have already been in operation, and working with great satisfaction for a considerable time.

Some people seem to imagine that we, the Commissioners, have been forcing these two Schemes on the Dioceses. The very contrary is the fact; you may judge of the dilatory mode in which the educational business of these dioceses has proceeded, when I mention, that, on May 28, 1888, a written application for a Scheme was received by us from the Diocesan Council of Dublin; on June 12, 1888, we received a similar application from the Diocesan Council of Kildare; and on October 20, 1888, we received a similar application from the Diocesan Council of Glendalough. It is upon these applications that we have proceeded. Each of these Diocesan Councils not only applied, four years ago, for the incorporation of a Board of Trustee to hold educational endowments, but gave the names of those whom they desired to place on the Board. These applications were followed by three resolutions, all dated in October, 1888, from the Diocesan Synods of Dublin, of Kildare, and of Glendalough, approving of the communications previously made by the Councils. From that day to this, we have been endeavouring, with less success than in any other case in our experience, to obtain from the proper quarters, the information and assistance necessary for the satisfactory preparation of the Schemes. We have followed the same course adopted in other cases. On one occasion, on the invitation of the Archbishop, Doctor Trull attended a meeting of the clergy to discuss the matter, three or four years ago, but though, from time to time, clergymen of the diocese have called at these offices, and we have had a mass of correspondence, we have never got that practical and definite assistance, which we have received elsewhere, and the matter remained just as it was until last year. Ultimately, knowing that our powers were about to expire, we thought it best to bring the matter to a point, by publishing the Draft Schemes which are now before us. We followed, in general, the precedent of the Cork Diocese, preparing one scheme for the rural districts, and another for the City of Dublin and its vicinity. It is five years since we went to Cork, and were met there by a representative delegation of the clergy, small enough to do business, but numerous and active enough to have thoroughly worked up their case, and made up their minds as to what they wanted, before they came to us. The present Dean of St. Patrick's acted as spokesman. We framed two Schemes for them, and they brought all their Endowments into them. These Schemes have been approved long ago, by the Lord Lieutenant, and they have been working so satisfactorily that we are now dealing with an application for a Supplemental Scheme, to bring in additional property, and extend the powers of the Diocesan Board. But what are we to do with Dublin? These two Draft Schemes, as far as possible, follow the lines adopted in other dioceses. In preparing them, we have had the advantage of the experience of Cork, and of discussions in Down, where there was considerable feeling on the subject of National as against Church Education, but ultimately a concurrence clause was agreed to, and unanimously passed.

Dr. TRULL.—There are 140 schools now under the Down and Connor, and Dromore Schemes.

Lord Justice FERGUSON.—There are upwards of 160 schools and endowments under the Cork Schemes, and Dr. Trull says there are 140 under the Down Scheme. Well, having published the Dublin Schemes on these lines, we have received a number of written objections. The main objection comes to us in a way that during the whole of our experience no other objection ever reached this office—without date or signature, or anything to indicate where it was adopted, or by what authority it was written; a letter was handed in here headed "Diocesan Synod of Dublin, Glendalough, and Kildare," containing elaborate and sweeping objections to almost everything in the Schemes. Now, we are not professing any ignorance; we know where this objection came from, we have read all about it in the papers, and we are anxious to

discuss it with all care and respect, but I mention it, form as an indication of the mode in which this important business has been transacted. The first proposal is—

"That instead of two Schemes, all the parochial endowments of the united Dioceses of Dublin, Glendalough, and Kildare be included in one Scheme."

That we offer no opposition whatever it, on consideration, you do not prefer the two Schemes. But as we go through the objection it seems to propose a sort of federal union, which it is difficult to distinguish from separation, for it proposes a city board and a country board, and the separate Synods are to exercise distinct control over them. Perhaps you may be right in preferring one scheme, but whether you have two schemes or one, or two boards under separate schemes, or one board with two divisions, the ultimate control ought to be in the hands of the joint Synod of the entire diocese. It would never do to have two boards, with one synod dealing with one of them and three synods dealing with the other. The next proposal deals with the formation of an incorporated body, to have the general management and control of the schools and to hold the property. Our experience leads us to ask you to reconsider the size of the body you propose. There would be at least 44 members, and no one can tell how many more, because, in addition to the forty-four, there is to be one governor representing each non-parochial city endowment included in the Scheme. We don't know how many those would be, and there must be a provision for bringing in additional endowments from time to time, so that the upshot would be to give you a Governing Body of more than 50 people.

The Archdeacon of Dublin.—I don't think it would be so many.

1888. There are four ex-officio governors; elected city members, eight clerical and eight lay; elected country members, four clerical and four lay for Dublin; three clerical and three lay from Glendalough; two clerical and two lay from Kildare; and then there are six more elected governors, making forty-four, with an indefinite number of representatives of particular endowments besides. There is no legal objection to incorporating such a body as that, but don't expect it to be a working body, and if you constitute it you must appoint a committee to do the work. We have adopted two systems in different cases. One is to incorporate a large number of people and let them appoint working committees, the other is to incorporate the small body that is to do the work. There are no advantages that I can see in forming an unwieldy body at all in such a case as this; I should advise a small body to be incorporated, and therefore it will require further consideration by you as to what course you prefer; we shall be glad if you finally settle the question for yourselves one way or the other. A resolution was passed by the joint Synod, of which I have information, because I was present, but it has not been officially communicated to us. The resolution proposed that the board to be incorporated should take the place of the existing Diocesan Board of Religious Education. That Board is working very well, I believe; but their number is nothing like what is proposed in this objection. The constitution of the board is a matter of great importance, but it can be easily settled if you resolve to form a board which will do your work.

Now we come to a more important question—what are to be the powers of this board when appointed? You must bear in mind that under our Act of Parliament we can only deal with property. We have no power to create a body without any property or endowment, merely to exercise such educational functions as the Synods might choose to entrust to it. The first step which we take in every case is to see what property and what endowments are to be brought into the Scheme. The first advantage we can offer is

the vesting of property in an incorporated body. This gets rid of difficulties arising from failure of title, and saves the expense of conveying the property when trustees drop off and others are appointed in their place. Your next proposal is that—

"Each Local Board shall exercise a general supervision over the educational work carried on under the Schemes in its own district, and shall, through the Central Board, make an annual report to the Diocesan Synod, which shall include information as to the working of the schools and the condition of its endowments. Each Board may make such suggestions as they shall deem advisable for the improvement and development of education within their respective districts, and the Schemes should be so framed as to give the Diocesan Synod power to carry out such suggestions, but such power shall not be exercised except on a resolution carried at the next succeeding annual meeting of the Diocesan Synod, by a majority of two-thirds of those present and voting."

This clause differs entirely from any clause that has ever been suggested to us by any body down to the present time. If you incorporate your Board solely to make suggestions to your Synods, and give no effect to their suggestions until resolutions are carried by two-thirds majorities at annual meetings, the practical work of the Board would amount to nothing at all. The whole object of the Schemes in vesting the property is defeated if those who have the property have not the power and duty of administering it rightly. Give, if you please, an appeal to the Diocesan Synod—put a reasonable restriction upon the action of the Board, & regulate the action of the Synod in any defined way, but if this Board of 50 can never go beyond general suggestions without the assent of two-thirds of the Synod—the whole body will be practically null. Further, you make no provision whatever in the case of the Diocesan Synod not passing any resolution at all. If there is not a sufficient quorum or sufficient majority, what is to be done? Are the "suggestions" to lie over for another year, or to fall to the ground? The whole principle of this proposal is contrary to common sense, and to anything that has been done in other cases. We are quite willing to help you, but you must give your Board power to do ordinary work, subject to the control of the Synod.

The *Dean of the Chapel Royal*.—May I ask if by that resolution it is meant to still retain the power of the Synod. I was under the impression that the way the resolution passed the Board of Education, was that in case it was resolved that a school should be closed, that that should not be done permanently without the right of appeal.

Mrs. We can make it right now, but I have read it generally as it is.

Dr. TRAILL.—There is a proposal—"that no educational endowment shall be transferred from its existing use, except with the sanction of the District Synod." We have provided for that in the Schemes.

Rev. Dr. Stoney.—The reason I set in an objection was that, as the clause originally stood, the Diocesan Synod, or the Board of Education might, at a meeting of the Synod, represent that a certain school should be closed. The representatives of the parish in the Synod would not be able to speak properly on a question sprung up then so suddenly on such an occasion, and it was in order that they should have a year to think over the matter before anything could be done that I gave the notice. We thought no school should be closed without a year's notice.

1842. Lord Justice FIRTH-GUNNISON.—But the proposal I have read has nothing to do with the closing of a school—

"Each Local Board shall exercise a general supervision over the educational work carried on under the Schemes in its own district, and shall, through the Central Board, make an annual report to the Diocesan Synod."

This does not confer any power on the Board.

"Each Board may make such suggestions as they shall deem advisable for the improvement and development of

education within their respective districts; and the Scheme shall be so framed as to give the Diocesan Synod power to carry out such suggestions, but such power shall not be exercised except on a resolution carried at the next succeeding annual meeting of the Diocesan Synod, by a majority of two-thirds of those present and voting."

You will see that no operative power whatever is given to the Board. The only power of carrying out the suggestions of the Board is given to the Diocesan Synod. On principle, that is a thing to which we do not see our way.

The *Dean of the Chapel Royal*.—It does not represent which is the body to have power.

1841. The Board has no authority, and we have no authority over the Diocesan Synod. We can only create this Board to do certain things; they must exercise their own powers. You may limit them as much as you like, but they must have a defined authority—and they, and not the Diocesan Synod, must be responsible for its exercise; but this proposal is contrary to what has been done in every other case, and would be unworkable.

Rev. Robert Walsh, M.A.—It is not worth discussing that.

1842. I will go on to the next clause, which deals with a touchy subject, and perhaps one on which some amendment may be necessary, as Dr. Traill tells me that all the clauses in other Schemes are not in this. The principle we adopt, is to vest the property of the existing schools in the Incorporated body; but every Scheme contains a provision, as simple as we can make it, that so long as any school to which the property belongs is efficiently conducted by the existing governing body, it shall remain under the same control as if the Scheme had not passed. But if the Board comes to a resolution that a school is not efficiently conducted, no action can be taken for a certain time, or until it is sanctioned by the Synod, but you must have some authority other than the local governing body—some disinterested authority to decide the question of efficiency. This point arises on your next clause, which, as far as we can see, it would be absolutely impossible to work out.

"That the Central Board and the City and County Boards, respectively, shall be authorized to interfere in the general management, arrangement and control of the schools, when specially requested to do so by the local authorities of the parish or school for the time being, and subject to this provision, the management and control of the parochial schools shall remain as at present."

We have met a great many local authorities, but we have never heard of one likely to "specially request" another to "interfere in the management" of its affairs. You have to guard against local governing bodies ceasing to work efficiently, or even to exist; and to make the special request of such bodies the necessary condition precedent to any action of the Diocesan Board is simply to provide that the Diocesan Board shall never be able to interfere at all where its intervention is necessary. The object you want to gain is secured by the Scheme—whenever and so long as a local authority is doing its duty, it shall remain as at present. This is the clause adopted in Down and Connor, and Dromore:—

"So long as any Elementary School existing at the date of this Scheme, and under the management of the Incumbent of the parish in which it is situated, shall be in efficient operation, the said school and the endowments thereof shall continue to be managed and administered as if this Scheme had not passed, save so far as the Incumbent for the time being shall otherwise consent by writing under his hand. Provided also that so long as the Manager, Managers, or other Governing body of any Elementary School exists, and in efficient operation at the date of this Scheme, shall continue to so maintain the same, the school and the endowments thereof shall continue to be managed and administered as if this Scheme had not passed, save so far as the Manager, Managers, or other Governing Body for the time being shall otherwise consent."

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The safeguards are adopted that no steps can be taken against the will of an existing manager, unless the decision of the Board is confirmed by the Diocesan Synod, and if the Diocesan Synod deemed that sufficient notice had not been given, anyone could move the adjournment of the question for twelve months; and nothing could be done in the mean time. I appeal to you all as practical men, whether the Scheme has not provided all the safeguards you can desire.

The *Dean of the Chapel Royal*.—The clause you have read will meet what we desire.

1643. The next proposal deals with the Vesting Clause.—

"That Sections 8 and 9 of the Scheme 147, and Sections 7, 8, and 9 of the Scheme 158, embody principles of which we approve, in so far as they are consistent with previous paragraphs, provided that no Educational Endowment shall be transferred from its existing use, except with the sanction of the Diocesan Synod by a majority of not less than two-thirds of those present and voting."

That should follow the previous clause, and surely you ought to be safe enough if the decision of the Board is made subject to the sanction of the joint Synods, without requiring a two-thirds majority, which might lead to a deadlock. For the central or district schools you propose to give the "local boards" power to define the districts which each school is to serve.

The *Archdeacon of Dublin*.—The meaning is that it shall be open to the Board, if they think the necessity exists, to establish a central school in a particular parish, provided that the parish is within the district of the local board. It was felt very strongly in a number of parishes, that so long as any school remains parochial, there shall be no authority—no external body—to appoint a school committee.

1644. Dr. TRAILE.—But your clause does not say anything about parochial schools. The clause gives power to establish districts, which we are doing under the Scheme. You say the local boards are to define the districts.

The *Archdeacon of Dublin*.—The district should not be a single parish. If a parish was formed into a district having a local board the district would be already under a different ecclesiastical autonomy.

1645. Lord Justice PRYRGUNNOR.—Your point requires to be looked at from another aspect. This very question arose in the Cork City Scheme. The important parish of St. Nicholas was under a clergymen who refused to bring the parochial endowments into the Scheme unless his own independence was secured as long as he was there, and he stipulated that his parish should constitute a separate district. But the object of these district schools is not to supplant efficient parochial schools, but to give more advanced education to children from larger areas. You cannot have an advanced school in every parish; you may have a good infant school in each parish, but if you want to provide first class teaching or technical or special education you must unite several parishes in support of one school, especially in a city like Dublin. One of our great objects is that the Diocesan Board should supervise the general education of the Diocese, and without interfering with any efficient parochial schools, that they should command the means of establishing higher schools for middle class children and selected pupils, some of whom might pay fees and others would not. You cannot have such a school in every parish—the thing is impossible.

The *Archdeacon of Dublin*.—I am now speaking for others and must not be understood as expressing my own opinion. It was felt by some that there was a danger, if your Scheme were adopted, of there being an intermixing with parishes that were already doing their business. Well; that might or might not be; I assume, that in providing for the City of Dublin there will be certain districts defined by this Commission, and that in each of these districts there shall be established a district school. The meaning of this amendment, as I understand it, was this, that instead

of there being districts formed to include all the parishes it should be left to the Diocesan Board how to form its own district where needed, that it should not be necessary to provide such district with a school, and that certain parishes that were working well should be left out, that it should not be in either case incumbent on the Board to form a district school but that it should be merely in their power to do so.

1646. Dr. TRAILE.—We have provided in these for this very matter. What we say is—"The number and boundaries of the several districts shall be determined by the Board from time to time." We leave it in the power of the Board to do what you say.

The *Dean of the Chapel Royal*.—They are to determine what are the districts.

1647. Certainly; but it is better to start with some division, giving the Board power to change the boundaries. We say—

"So long as the Incumbent of any of the said parishes holding office at the date of this Scheme, shall, by writing under his hand, decline to act as a member of the local committee of the district in which his parish shall be situated, his parish shall constitute a separate district, and the schools and endowments of and belonging to his parish shall continue to be managed and administered, during the tenure of office of such Incumbent, as if this Scheme had not passed, save so far as such Incumbent shall otherwise consent by writing under his hand."

What you ask is provided for. All we ask is that you should make a division of the districts for us in the first instance, and if you wish we can change the division proposed in the schedule to the Scheme.

1648. Lord Justice PRYRGUNNOR.—Clause 17 means to give exactly what the Archdeacon wants—and the provisional arrangement in the schedules as to the school districts might be improved on afterwards by the Board—

"That, so long as the Incumbent of any of the said parishes, holding office at the date of this Scheme, shall, by writing under his hand, decline to act as a member of the Local School Committee of the district in which his parish shall be situated."

The clause endeavours to secure to every existing Incumbent the position which Dr. Webster claimed for himself in Cork.

The *Archdeacon of Dublin*.—I am telling you the objections that were raised. It was felt that the Incumbent should always have control.

1649. Dr. TRAILE.—That would be a hardship in ask us to provide for all time. If we provide for the lifetime of any clergymen, I don't think he has any right to say his successor should also be provided for.

The *Archdeacon of Dublin*.—That was what we felt.

1650. Lord Justice PRYRGUNNOR.—Our desire is I wish you to thoroughly understand it, that these district schools shall be of a higher class than the parochial schools, and shall be available for all parishes as are within reach, and cannot support such good schools of their own. The idea was to ask you to do for Church children what is being done for the children of other denominations. Let them first attend the parish school, and then when they want to advance, in place of leaving them under the same teacher, let them go to a higher school. The system works well in Germany and everywhere where education is scientifically conducted. The Presbyterians and Methodists in Dublin have superior Primary Schools. The Christian Brothers have advanced classes under distinct teachers. I ask you to open your minds to the fact that if you want to give better education to some older and more promising children you cannot keep them at the same school. Where a parish has such schools as those in Kildare Place, it is quite a different thing; but you ought to aim at having within reach of all some Church schools different from the ordinary parish school, not attempting to compete with it in teaching infants, but giving a better class of education to more advanced children.

*The Dean of the Chapel Royal.*—We are all agreed we want the power of grouping the districts, but we would like that power to rest with us.

Dr. TRAILL.—Be it done.

1851. Lord Justice FIRTHGUNN.—I don't see why project to defining the districts provisionally in the Scheme. If you don't make a start now, further delay will follow. These are mere matters of detail. A civil parish secured a schism for itself a short time ago, and there was a chance in the scheme to enable other parishes to join afterwards, but whether the Incumbent objected to that I don't know.

Rev. Canon JELLINE.—If it was an advantage I would like to see the arrangement carried out.

*The Dean of the Chapel Royal.*—I would suggest that it would be better to leave out the arrangement for provisional districts, for it is not possible you could have much knowledge about them as the Incumbent.

1852. Lord Justice FIRTHGUNN.—That would make the establishment of district schools impossible, unless all the Incumbents agreed.

Dr. TRAILL.—What we say is—take a map and print out your districts and we will settle them for you.

1853. Lord Justice FIRTHGUNN.—If you can mark a map of the city the boundary within which you think a district school ought to be situated, there would be a considerable advantage in putting it into the Scheme.

Rev. Dr. WALSH.—There is a practical objection to putting all the parishes into the Scheme at once without knowing what parishes would join. From a long experience we believe that all the parishes will ultimately come in; but if you create the districts at once, before knowing what parishes would come in, you will find it will never work.

1854. If you make the establishment of district schools dependent on the concurrence of all the parishes, you will never get them. I would look forward to establishing district schools as soon as possible—why not begin with two, one at each side of the city, and let it be thoroughly understood that they are not schools competing with parochial schools for younger children, but intended as schools in which the more advanced school children can forward themselves.

Rev. T. D. Scott.—For my part I would prefer this plan for a practical start, it is so difficult to start at all.

1855. The church people of Dublin have many endowments which ought to be available, and which are particularly suited for the establishment and maintenance of district schools. At this side of the city you have the Ralph Macklin Endowment used for the support of Primary Schools in a parochial schoolhouse within a stone's throw of Kildare Place. On the north side of the city there are several endowments available.

*The Archdeacon of Dublin.*—I think what caused the feeling against this provision was the constitution of the body to be the representatives of the district. It is decidedly wished that the body should be more homogeneous in its character, and not have elected upon it, as intended, men outside the district; and I think also that the local body should define the district, which would be merely local boundaries.

Let me refer you to the last clause of the Objector—

"Each such school shall be managed by a Committee, consisting of the Incumbent and one lay representative chosen by the Select Vestry of each parish included or partly included in the district."

1856. What would that come to?—You would have a Diocesan Board, whose first duty would be to establish a district school which should be better than an ordinary parochial school, for the purpose of giving an advanced education to children of higher capacity. To these district schools would be managed by a Committee on which the Board would not be represented at all, and which would consist of the Incumbent and one lay representative from each parish. If you want your district schools to be effective you must do as the Cork people did—put them under

the management of a representative body distinct from the parish school and qualified to consult the general interests of the Church people of Dublin. If you had, say, four of these schools—and less would not supply the wants of a city like Dublin—and that each of them was managed by such a Committee as you suggest, without any central control, you would lose the whole advantage, and the district schools would be no better than parochial schools after all.

*The Dean of the Chapel Royal.*—I think we will surrender that. That was an instance in which we were trying to please everybody.

Dr. TRAILL.—Clause 14 provides for every word of what you said.

*The Archdeacon of Dublin.*—I am now speaking my own opinion. The district would have to be so large that a Board constituted of all the Incumbents, and lay men besides, would be a large one. I think that perhaps a smaller committee would work better.

1857. Lord Justice FIRTHGUNN.—I would like that the District School Committees should have a substantial representation of the Central Board on it.

*The Dean of the Chapel Royal.*—I think we should be content with the clause as it stands. I don't think we need occupy your attention further with the clause.

1858. If you make too many district schools you will only be multiplying parochial schools which you do not want. Your next clause—No. 11—I need not waste time over, as I can see no difference between it and the clause in the Scheme; I come then to your proposal, No. 13, which appears to require some attention:—

"That there shall not be any local school committee created by the Scheme except the committees of management of district schools, and that these committees shall have no powers beyond the control of their district schools."

It has been publicly stated that the Draft Scheme would displace existing managers of parochial schools. I don't understand that to be the effect at all. All existing managers of parochial schools may go on as they are unless they agree to constitute a committee under the Scheme, with the consent of the Board.

Rev. Canon WALSH.—Clause 19 was very strongly objected to, and it was thought that the adoption of any scheme with a clause of that kind was hopeless.

1859. I fear that there may have been some misunderstanding about this. It is differently worded from the Down Clause, which I will read:—

"Subject to the provisions of this Scheme as to existing schools, and as to National Schools, respectively, the Board, with the consent of the Local School Authority or authorities concerned, may discontinue any Elementary School or Schools, or remove any Elementary School or Schools to some more convenient site or sites, or may combine or amalgamate any two or more of the Elementary Schools; or they may provide for the use of different schools for different kinds of education, or by different classes of pupils, as the Board may see most advantageous for the promotion of education in the districts. Upon any such discontinuance, removal, or amalgamation, as aforesaid, the vacated buildings and premises may be appropriated for such of the purposes of this Scheme as the Board shall deem expedient, or may be sold, let, or otherwise disposed of, to the best advantage, and whenever any Elementary School shall, in the opinion of the Board, have ceased to be in efficient operation, the Board, subject to the provisions, etc."

The Local School Authority includes the Incumbent or other existing governing body of every parochial school whatever it may be. There was never any intention to interfere with the rights of the local authorities over the use of their own buildings.

Rev. Canon WALSH.—Clause 19 gives the power.

Dr. TRAILL.—We will change that for you.

Lord Justice FIRTHGUNN.—There was never any intention to interfere with the use of parochial school buildings.

Rev. R. D. MAST.—I want to ask a question with regard to the legal effect of the Scheme—does it make

Jan. 26, 1882. it possible for a Board, when established, to recognise any arrangement whereby a district school might possibly be under joint church and nonconformist management? The door would be entirely shut against such an arrangement being made in certain districts—that is in my district—under a sort of joint management.

The *Archdeacon of Dublin*.—That School has a scheme of its own.

1640. Lord Justice FreeGIBSON.—I told you at the beginning that this Scheme is a denominational one; but there is no objection to your making arrangements for pupils of different denominations to attend the Schools.

Rev. R. D. Blaett.—The point is whether it would be possible to make arrangements in a district where there is a strong Presbyterian element by which this Board could be worked for a Presbyterian and Church School!

1641. Such a School would not be denominational, and could not be included in this Scheme.

Rev. R. D. Blaett.—The meaning of that is that they will rival each other.

1642. I mentioned the case of the Merchant Taylors' School already, as an illustration of what might be done. You need not establish a District School in any locality where there already is a good school available for Church pupils, though under mixed management.

Rev. R. D. Blaett.—But if you have a School under Presbyterian management, attended by Church children, it might become the duty of the Board to start another school. What we would like to know is, could we establish a joint school?

1643. A joint school could not be brought within this denominational scheme.

Rev. R. D. Blaett.—Any such arrangement must be made outside the Board.

1644. Outside the Diocesan Schemes, such an arrangement might be made, and we have framed schemes for many such schools, some in Dublin.

Rev. D. Anderson.—The better class pupils in Dublin are pretty well supplied with schools—such as Dr. Benson's. I think two District Schools—one on the north, and the other on the south side of the city, would meet the requirements with the number of better class schools we have already.

1645. The class of pupils for whom you want these District Schools are not likely to go to such schools as Dr. Benson's. We want to provide a good education for children who cannot pay very highly for it.

Rev. D. Anderson.—All the higher classes are taken off by these schools, and you would have very few pupils in the District Schools.

1646. That is a matter that you should look at very closely. From the Christian Brothers' Schools in Dublin, some thirty or forty pupils win exhibitions and prizes every year, and large numbers pass at the Intermediate Examinations. If they had not those schools to attend they could not do that. Every one of those boys is a formidable competitor, with numerous advantages in his favour, against the Protestant boys in the same rank of life, unless you give them the opportunity of getting a similar education; and a great many of our Protestant youths cannot afford to pay the fees of higher Schools.

Rev. Dr. Tristram.—We have already 600 children attending superior schools of other Protestant denominations.

1647. Yes, I have seen a report of Dr. Tristram's showing that the sort of education we are talking of is provided for Church children to a large extent by Presbyterian and Methodist Schools; but they don't supply the wants of the city.

Rev. R. G. Webster.—The Schools mentioned are not of the class we are considering.

Rev. Dr. Tristram.—They are high class Schools.

1648. Lord Justice FreeGIBSON.—In clause 14 you want a draft scheme to be prepared embodying the

amendments suggested by your committee. We can not begin de novo, but we will not sign any Scheme until you have seen it in the final shape. You must make up your minds when you see it, whether you will sign the necessary consents or not, and every amendment for which there is not a consent must be struck out before the Scheme is signed. We are only too anxious to get suggestions for the improvement of our Draft Schemes, but recollect that ever since Jan., 1882—if I may say so without disrespect—they have been muddling over this Dublin Diocesan Scheme, and it cannot go on much longer; after March 1st next, except to complete Schemes previously published, the Commission will be at an end. When we revise this Draft Scheme, and send you the print, you must arrange to have it discussed, not by having all the clergy meeting in their own notions, but you must have a representative meeting, such as has been held everywhere else, and let us know through an authorized channel, the concrete result, and then we shall see what can be done.

The *Archdeacon of Dublin*.—I would like to see what funds there are for the advancement of parishes not likely to go to particular districts—what assistance is to be given in point of education.

1649. If that depends on where the money is to come from, there are large endowments available for Intermediate Education in Dublin, connected with the Church of Ireland, and in all our Schemes there is a provision enabling endowments for apprenticeships to be spent on apprenticeship fees, or in providing special education, or in other forms of advancement. But we can only put it down on paper—if you cannot induce those who hold the money to assist you, the clause won't pay the fees.

The *Dean of the Chapel Royal*.—I don't see why the provision should be for boysonly—why not girls? Why not put in the word "pupils"?

1650. Dr. TRISTRAM.—We used the word "candidates." You put in the word "boys" yourself in your objection.

The *Dean of the Chapel Royal*.—I would suggest to use the word generally. I am as much interested in boys as in girls.

1651. Look at Clause 30, and you will find that we have provided for it in every case.

Rev. H. B. Stoney.—You say you will draw your pen through particular parishes where the clergyman object; but won't they come in under the Scheme necessarily?

1652. Lord Justice FreeGIBSON.—No; not unless there is a consent in writing from the person or body now holding the endowment. The Schedules give the particulars of all property affected, and we cannot retain any endowment in the Schedule to this Denominational Scheme without the consent of the Governing Body. The notice on the outside of the Draft Scheme, which is before you, tells you that, before the Scheme is signed, in any case in which the consent is not furnished, the school or the endowment will be struck out. The Scheme will not touch them at all, unless they execute a deed afterwards if they like. They would have to do that as a matter of course, and giving title.

Rev. Dr. Stoney.—I would be afraid that a school might be closed if it interferred with the District School. Of course it could not be closed as long as the Incumbent lived, but after that it might be closed.

1653. Generally in other Dioceses, mere schools have been brought in than struck out, after the first publication. When the Scheme is signed, you can only bring property under the Scheme by making title and conveying it by deed.

The *Dean of the Chapel Royal*.—As to Clause 35, including the girls and boys, we never meant that you should make poverty the ground for making the

sum to be paid for Intermediate Education—we want that boys should pass from Primary Schools as proof of the necessary qualification.

1874. Dr. TRAILL.—Are they to be clever boys to get scholarships or not?

The Dean of the Chapel Royal.—I think boys certified as deserving should pass to the Higher School.

1875. We have provided for clever boys getting the education.

The Dean of the Chapel Royal.—Then you are right and we are wrong.

1876. Lord Justice FERGUSON.—To carry out Clause 15 means money, and I don't know where it is to come from. I will refer you to what we have done in other cases. In Meath Diocese the endowments of the Navan School have been made available. In Cork city they have two or three endowments, including the High School. In Cork, Cloyne, and Ross they had Bishop Crowe's Endowment. The whole Scheme must depend on the means of providing the education being made available. If you have the means, then you can give the education to deserving boys or girls, or both. The last clause of your objection would make you keep yourselves by keeping distinct accounts; that is a mere matter of detail. Separate accounts of separate endowments would be right enough. Then we have some other special objections which I may go through shortly. Mr. Guinness appears to think that we want a deposit the Clergy, which is a mistaken idea, and he also wishes to have the subjects considered by the Synod. It has been considered by the Synod; but there is found in the Draft Scheme anything that deprived him of his position as patron of a National School, I cannot tell. The clause which he suggests in reference to National Schools, I think ought to be put in.

Dr. TRAILL.—It is in Clause 15.

1877. Then Rev. Dr. Hughes, Hon. Secretary of Finslerville Street Schools, objects to being brought within the Scheme at all. I have explained that so long as the Governing Body remains of that mind we can have nothing to do with their schools. Mr. Stoney has made a proposal that no school should be disposed of without the consent of the Select Vestry. But you must give some one authority to act, where the school is inefficient and the local body will do nothing, and I don't know that you can have a better safeguard than an appeal from the Board to the Diocesan Synod.

Rev. W. GUINNESS.—May I call attention to Clause 1?

1878. Lord Justice FERGUSON.—Dr. Traill says clause you require is already inserted, and if it is not it will go in.

Dr. TRAILL.—Read Clause 15 and you will find you must be deprived of your position as manager by anything provided in this Scheme.

1879. Lord Justice FERGUSON.—That clause was arranged by the Commissioners of National Education and ourselves in the first year of our existence, and we insert it so as to prevent our Schemes from ever overriding the rules of the National Board in every case. These are the objections on the paper, but it remains for me to call your attention to the absolute necessity of finding out what the property is with which the Scheme is to deal. Unless there are endowments to be brought in, it will be of little use. The object of this and of all similar Schemes, is to establish some sort of authority connected with the Church itself that will exercise wholesome control over education in the Diocese, not for the purpose of interfering with local management or local schools when efficient, but for the purpose of providing a system by which a better education may be given, and under which proper instruction, inspection, and examination in religious and secular education shall take place. In several cases we have been fortunate in having endowments to deal with which we could allocate to different branches of educational work. I need only refer again to Cork city as an excellent

instance; there they had a number of endowments hampered by complicated or obsolete trusts which were all thrown into one Scheme; and with these and the supplementary funds which must be at the bottom of all, contributions from benevolent people, I believe the Scheme is working well. I have jotted down a few—and only a few—of the endowments that ought to be available for the systematic education of children belonging to the Church of Ireland in the city of Dublin, and they are quite beyond anything to be found in any other part of Ireland. You have the Blue Coat School with an income of about £4,000 a year, which, after careful consideration, we have held to be an exempt endowment exclusively belonging to the Church, and therefore capable of being brought either under the Diocesan Scheme, or worked in connection with it. Then there are Morgan's and Mercer's Schools at Castleknock, for boarding boys and girls, with endowments, I believe, exceeding £2,000 a year. Then you have Pleasant's Asylum, which has somewhere about £30,000 in the funds.

Rev. Dr. HOPKINS.—It won't come in.

1880. None of these endowments can be forced in. I am only telling you of some of the money which you might apply systematically, under Church control, if you liked, and which belong exclusively to yourselves, and which are similarly situated to what other Dioceses have utilised. I see the pupils of Pleasant's Asylum frequently, you can count them, and form your own opinion whether the educational results correspond to the amount of the endowment. You have endowed schools in St. Catherine's, St. Thomas', St. John's, and other parishes. For day pupils you have the Macklin Endowments. There are Schools and endowments attached to the parishes of St. Luke, St. Andrew, and St. Mark. If anyone takes up the Blue Books of 1858 or 1878 he will find them all there. These are all endowments for the education of Dublin boys and girls belonging to the Church of Ireland. They are all now—I won't say frittered away—but they are divided and broken up. They are managed by separate bodies. No uniform or general selection is made of the best candidates for assistance from them. Besides all these, there is another class of endowment which has become almost obsolete—the funds for apprenticeship pupils under the old system. Lovell's Charity and Gardiner's Charity are among these, and I believe Steane's Charity is another. Gardiner's Charity and Lovell's Charity are normally lumped together in order to bring the fees up to the requirements of the present time. That was a very good way of meeting one difficulty, but apprenticeship fees as compared with the modern system of advancing young people in life, are of partial benefit. If you had one general body, representing all the parishes, authorised to administer educational trusts systematically for the benefit of the members of the Church in Dublin, and if you would see from the Blue Books the vast amount of property that is in the hands of the members of the Church to be administered for educational purposes, you could see for yourselves whether that money is at present doing one quarter of the work that it might do. If you approach a Scheme of this sort with the fixed idea that every body who has charge of an endowment already would like to keep the management of it, and take that of his neighbour's endowment besides, but that nobody will let anyone else share the management of what he has, you can never come to any useful conclusion. The only practical course to adopt is that all those who have charge of endowments should meet and discuss and agree how far it is for the advantage of the Church that these endowments should be brought into a comprehensive Scheme, and administered by a responsible and representative body, according to a systematic plan. Let this at least be clear. In the City of Dublin, and the districts connected with it, there is an amount of charitable property in the nature of educational

endowments, exclusively intended for the benefit of members of the Church of Ireland, infinitely greater in proportion to your numbers than that of other denominations, or in other localities; and the whole of it can be made available now with your own consent, in whatever way you may yourselves agree upon as most beneficial. I suppose our better course now would be to hear the views of those who are present upon the Draft Scheme, and then we will proceed to revise it, and if you will let us know with whom we are to communicate, we shall be glad to consult you as we proceed.

**Rev. Dr. Hughes.**—The consent of the Local Authority is required for each endowment!

1881. Yes, certainly.

**Rev. Dr. Hughes.**—Then it is necessary that a copy of the Draft Scheme should be in his hands?

1882. Copies were sent to every one interested that we knew of.

**Rev. Dr. Tristram.**—Our body was only constituted at the late Synod, and yours has been working for some time.

**Rev. Canon Welsh.**—I think you should send out the Scheme.

1883. **Lord Justice FitzGibbons.**—As I have already stated, there is no difficulty about sending out the Scheme; when it is revised we shall be prepared to send it out again, but we must ask you to arrange that some one shall be authorized to correspond with our office on behalf of the Diocese.

**Rev. Dr. Anderson.**—Have the Commissioners power to alter a trust?

1884. We have power to alter any existing trusts, and where they are obsolete or not beneficial it is our duty to alter them. St. Patrick's Cathedral Charities had a great many trusts of that kind, and all these were dealt with in one Scheme, introducing such modifications as were found necessary.

**The Dean of the Chapel Royal.**—Of the Board constituted at the Synod, Dr. Tristram is secretary, and all communications should be made through him; but I do not think that every clergymen in the Diocese should express his opinion on the Scheme, for in a multitude of cases there would be no safety—it would probably lead to confusion.

1885. There is no saving of time in not sending the revised Scheme out to the clergy. We have no authority to include any property in the Scheme unless we receive a consent in writing from the governing body. We treat the owners of the property, or the managers of the Schools, either one or the other, as being authorized to give the consent, but in every Diocese with which we have hitherto dealt, the getting in of these consents has been undertaken by some local committee or leading representative who corresponds with us.

**Dr. Traill.**—If you look at Clause 9, you will see that it provides that all endowments in any particular district must be applied to the Elementary Schools in that district. We don't prescribe in what proportion the money should be paid, we leave that to the Governing Body and the Synod. Here is the clause:—

"The Board shall apply all endowments for elementary education of or belonging to the Elementary Schools in each district, to the maintenance or aid of schools in such district, or otherwise for the educational benefit of pupils belonging to the same, so long as the Board shall be of opinion that such endowments can be beneficially so applied. If and whenever the Board shall report to the Diocesan Synod that any of the said endowments cannot be beneficially applied as aforesaid, the Diocesan Synod may direct that the same shall be applied elsewhere, or to any of the other purposes of this Scheme in accordance with the provisions thereof."

It is only in that case it is thought; but as long as the money in any parish can be used in that parish it must be used for the advantage and benefit of the children of that district. It was intended that every parish should subscribe something.

1886. **Lord Justice FitzGibbons.**—We have no power to divert any money from useful purposes in which it is devoted, but where the endowment is obsolete or subject to inconvenient restrictions, we have power to provide for its useful application.

**Rev. Canon Jellett.**—I happen to be trustee of certain institutions, and I do not wish to give up the intentions of the founders—I allude to Mercer's Schools.

**Dr. Traill.**—Those would not be under the Scheme at all, unless you signed a consent.

**Rev. Canon Jellett.**—We are doing very well, and, therefore, I do not see why we should alter our constitution at all.

1887. **Lord Justice FitzGibbons.**—The money I mentioned Mercer's School was because in the March and Cork Schemes similar endowments have been made available to provide exhibitions or free places for pupils selected from the Elementary Schools of the Diocese, and it is for those managing Mercer's Endowments to say whether it could not be more usefully administered in connection with the Diocesan Scheme. For example, Scholarships might be thrown open to competition among poor, deserving, and clever girls from the Dublin Parochial Schools. The Blue Coat Hospital is another old Church institution.

**Mr. Justice O'Brien.**—In cases where the endowment is vested in the Church Body, no consent is required except that of the Church Body.

**The Archdeacon of Dublin.**—It perhaps may be convenient if I try to arrive at an understanding of your observations upon the different points.

1888. **Lord Justice FitzGibbons.**—What do you say as to the first clause of the objections and amendments?

**The Archdeacon of Dublin.**—We are all agreed that, instead of two Schemes, all the endowments of the United Dioceses of Dublin, Glendalough, and Kildare shall be included in one Scheme.

1889. Very well. Clause 2!

**The Archdeacon of Dublin.**—We would prefer that the managing body should be one to take care of the property. But I pass over that.

1890. **Dr. Traill.**—Just consider the difficulty that would arise in having the country districts managed differently from the city!

**The Archdeacon of Dublin.**—The Joint Body would have to bring any matter before the Joint Synod.

1891. Do you wish the separate bodies to be independent?

**The Archdeacon of Dublin.**—A absolutely independent of each other for the purposes for which they are appointed. We have separate Synods for the three united Dioceses, but they meet as one joint Synod for financial and educational matters. No. 3—there has been a misprint or misunderstanding about. I am expressing my own opinion only when I say the corporate body should consist of (a) ex-officio governors, (b) elected city governors; (c) elected county governors and governors of charities; (d) co-opted governors and one governor from each of the parishes included. With regard to the ex-officio governors, we substitute the Archdeacons of Glendalough and Kildare for the Dean of St. Patrick's and the Dean of Christ Church, who are not diocesan officers, and as there is a Dean for each Diocese that brings the three Dioceses working well together. As regards numbers, my own impression is that it would be a very good plan if a power is given in this Scheme for these bodies—which I think are not much larger than would be expected by the Diocese with a view to representation—to appoint sub committees like the Diocesan Council.

1892. You have that power in the Scheme already.

**The Archdeacon of Dublin.**—That would meet the objection if the body was found too large to work.

1893. **Lord Justice FitzGibbons.**—You can appoint a standing committee of a certain number with power to act for the Board.

The Archdeacon of Dublin.—Then Clause 4 is practically granted; Clause 5 also stands. With regard to Clause 6—"Each Local Board"—that is a vague question.

165. Dr. TRAILE.—What do you say to Clause 5?

The Archdeacon of Dublin.—I mean the whole area of the city and country. We make no objection to Clause 6, but I should wish it to be worded "the City and Country Boards respectively." Then as to the clause of that Clause I can only say that Dr. Stoney's views are largely adopted with reference to it.

166. Lord Justice FIRTHGUNNISON.—Could we go further in this direction than the existing Scheme?

We must give the power to the Board.

The Archdeacon of Dublin.—The majority of the Board agree with Dr. Stoney.

167. We can only say that the Board shall not exceed its power until certain conditions are fulfilled. What do you say, Dr. Stoney?

Rev. Dr. Stoney.—I do not like to interfere too much, but I am anxious that a parish should not have its master sprung on it, as I understand it. If the Diocesan Board say that a certain school is not wanted that school must be taken away. If it is brought forward in the next Synod, and when passed by the Synod, there is an end to the school.

168. Lord Justice FIRTHGUNNISON.—There must be procedure beforehand. It must first be discussed before the Board, and afterwards carried at the next annual meeting of the Diocesan Synod.

Rev. Dr. Stoney.—Suppose it was settled by this fact that the school should go and the master was brought up at the next Synod and there was no one now to speak against it, the motion would be passed and the school would be closed. What I want is that there should be a year's grace given to think about it.

169. Dr. TRAILE.—There is a year given, for it must be done until the next annual meeting of the Synod.

Rev. Dr. Stoney.—But they might not know it was coming forward.

170. Read the last part of Clause 15 in the Scheme.

Rev. Dr. Stoney.—But that might be all done without the parish knowing anything about it; the Diocesan Council may say we will not wait a year.

171. Lord Justice FIRTHGUNNISON.—Notice must be given to every party affected; then it must go before the Synod on notice, and if it is said to be brought before the Synod too hurriedly an adjournment may be asked.

Rev. Dr. Stoney.—Take it that my schools were to be closed, and that I got up in the Synod and said the recommendation ought not to pass, then that year locally and the Archdeacon spoke in favour of the recommendation, my voice would carry no weight at all.

172. Mr. Justice O'BRIEN.—How would it carry weight in twelve months after?

Dr. TRAILE.—In the Down Scheme we have this clause, and it may answer you. [Reads Clause 13.]

"National" Schools, respectively, the Board, with the consent of the local school authority or authorities concerned, may discontinue any Elementary School or Schools, or any clause in any Elementary School or Schools to serve some convenient site or sites; or they may provide for the use of different schools for different kinds of education, or for different classes of pupils, as the Board may see fit, according to the provisions of this Schedule.

Upon any such discontinuance, or removal, or amalgamation as aforesaid, the vacated buildings and premises may be appropriated for such of the purposes of this Schedule as the Board may deem expedient, wholly or in part, or otherwise disposed of, as the best advantage, and whenever any Elementary School shall, in the opinion of the Board, have ceased to be in efficient operation, the Board, subject to the provisions hereinabove contained, may dispose of the site, buildings, and other endowments thereto, and may apply the same, or the produce thereof, for such of the purposes of this Schedule as they shall think fit, or my present buildings no longer required as schoolhouses to

be used for other parochial uses or purposes; subject in every case, as to any school buildings, endowments, or property vested in the Board by a private donor or trustees, to any rights of reversion by the donor or trustees, or his representatives, which may exist or be agreed upon in each case. Provided that no step shall be taken to dispose of such site, buildings, or endowments of any such school until two months after the decision of the Board declaring such school not to be in efficient operation; and if within that period an appeal against such decision shall be made to the Diocesan Synod by the manager, managers, or other governing bodies of such school, and notice of such appeal shall be transmitted to the Board, no step as aforesaid shall be taken unless and until the decision of the Board shall have been confirmed by the Diocesan Synod. Provided also that, before proceeding to dispose of the endowments of any school existing at the date of this Scheme, the Board shall give public notice of their intention to do so, and if any person shall object to the proposed disposition within three months after such public notice, the Board shall not proceed to carry out their intentions unless and until the same shall have been sanctioned by the Diocesan Synod, and approved by the Representative Church Body."

Will that clause satisfy you? That goes further than the present Scheme.

Rev. Dr. Stoney.—I think that will do.

The Archdeacon of Dublin.—No. 7 is right. I do not see how No. 8 is possible.

173. Lord Justice FIRTHGUNNISON.—Beyond those safeguards we cannot go.

The Archdeacon of Dublin.—I think we must accept that clause, No. 9 I think goes with No. 8.

174. It is met by adopting the Down clause on No. 6.

The Archdeacon of Dublin.—No. 10 provides for giving power to each Local Board to establish large central or district schools. The object was to get rid of what we felt to be competition open then in every case to establish a District School.

Dr. TRAILE.—We meet your difficulty at Clause 18 by putting in "may" instead of "shall."

175. Lord Justice FIRTHGUNNISON.—Can any one here say whether the Ralph Macklin Governor will come into this Scheme?

The Dean of the Chapel Royal.—I am not in a position to say. You have six persons included in the Schedule, not one of whom is a Governor.

176. District Schools cannot be established unless you have some endowment. If the Ralph Macklin Endowment comes into the Scheme it would be reasonable to make it the foundation for a District School for the south side of Dublin. There is no other endowment that I know of that would suit better. There is no use in defining the districts until you have an endowment, and I think we might put down this one for the District School for the south side of the city, and give the Board power to establish other schools as endowments might be found available.

The Dean of the Chapel Royal.—Mr. Beauchamp was here a while ago. The curate of St. Andrew's and others were made Governors, but I never have been a Governor of the School although I largely help them partly at my own expense, and partly by contributions. I was associated with the management although I had nothing to do with it, by being Rector of the Parish. The whole thing is anomalous now, for it is a Primary School in a place where it is not wanted, and is just in the place where an Intermediate School would be very useful for the benefit of the more promising pupils.

177. I think we had better leave this question open. If we cannot use the Ralph Macklin Endowment, there is no endowment immediately available for a District School at all; but if it is included in the Scheme, it would be right to say that it should be the endowment of the District School for the south side of the city.

Rev. A. L. Elliott.—We represent the West of Dublin, and we feel strongly that the Ralph Macklin Endowment should be left for the poor of

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Dublin generally. We also think that it should be left to the Board to decide, without any prejudice, where an Intermediate School is to be placed.

1707. We are now only trying to suggest the most useful way of employing this property, if we can get the consent of those who have power to withhold it.

Rev. Mr. Elliott.—We are satisfied if the endow. is not interfered with.

1708. We have no power to bring it into the Scheme without the consent of the Governing Body. It is already an endowment for a school that should be open to pupils of all denominations, who are willing to attend a school under a strictly denominational governing body.

The Dean of the Chapel Royal.—It is a National School now.

1709. It is now established in buildings originally intended for the parish school of St. Anne's. At the time it was established there, the schools in Kildare Place were down in the world, but now not only children from that neighbourhood, but from long distances, go to the Kildare Place Schools, so that you have two National Schools under Church management within a stone's throw of each other.

The Dean of the Chapel Royal.—I could not ask my people to support it as a purely Elementary School on that account. It would be a suitable place for an Intermediate School. St. Catherine's Parish is the last that ought to claim it, and I think that this would be a good place for a central District School.

1710. Dr. Traill.—Do you think the district as defined by us would suit?

The Dean of the Chapel Royal.—I think it would. If I was convinced there was any better site, I would certainly give way.

1711. Lord Justice FREEMAN.—The school building is good, and if we can secure it for a District School, it would be very useful. Let the Board decide the other questions afterwards. We desire to do what the Christian Brothers and the Presbyterians are doing so efficiently—to provide the poor Church of Ireland children with better schools. If ever there was an opportunity of aiding in this respect, it is by using the Ralph Macklin Endowment to give poor and promising Church children a better start in life, and to enable them to compete on more favourable terms with the children of other denominations.

Rev. Dr. Walsh.—The Board should have some command over it for Intermediate Education.

1712. Dr. TRAILL.—Read Clause 14.

Rev. Dr. Walsh.—You, to some extent, prejudge the question.

1713. Lord Justice FREEMAN.—Do you want a provision that the Ralph Macklin Endowment shall still be spent on elementary education?

Rev. Dr. Walsh.—I do not care for the machinery as provided. I would like to have the interests of the poor more generally looked after.

1714. Our experience and information lead us to believe that it is not desirable to expend endowments on attempts to maintain Intermediate Schools for poor children only. No school of that sort could be a good school. It would in the first place require more money. In the Christian Brothers' Intermediate Schools, the great bulk of the pupils pay substantial fees, and the Brothers, by means of these fees, are able to bring in clever boys who are not able to pay, and to teach them with the others. You should do the same here. If a clever boy, say from the parish of St. Catherine, was selected to get a free education in a District School, no one would think of keeping him out of Ralph Macklin's School. On the other hand, if you remove that School from a part of the city where there is a considerable number of boys who pay, and place it in a poor district, the only result will be that you will lose the paying pupils, and reduce the means of providing good teaching for the non-paying ones.

The Archdeacon of Dublin.—I believe if you establish an Intermediate School for poor children only it will be a failure in pecuniary resources, and will afford a bad training for boys.

Rev. Dr. Walsh.—You are putting an argument into my mouth which I did not use. We do not propose that the Intermediate School, at which the education was to be given, should be for poor pupils only; but we urge that the Ralph Macklin Endowment should be used for poor children.

1715. Lord Justice FREEMAN.—It certainly would let me give you a fact to show how the object is to be attained. The other day we held an inquiry about Rathmines Township Schools, which are in a locality most thickly peopled with middle class Protestants. They have only from 40 to 50 children attending the school. We asked where the bulk of the township children are now going to school, and we were told that the largest number go to the Model School, in Kilian Place, where the best education is afforded. If you use Ralph Macklin's Endowment to maintain a good Intermediate School, and give selected poor pupils the benefit of it, they will come as far to it, and you will apply the Endowment to what it is most required for.

The Dean of the Chapel Royal.—It might be easy to persuade these Governors to keep up a school; but it would be more difficult to induce them to hand over this Endowment to another body. It cannot be done without their consent, and I don't think they will consent.

Dr. TRAILL.—Dr. Walsh appears to apprehend that the fund would be used for all the districts, but he was not the intention.

Rev. Canon Scott.—I would like to know whether you approve of the recommendation to have the Governors elected from the districts?

Rev. Dr. Walsh.—The Committee who presented the report were unanimous in favour of the Scheme of election which we laid before you, for this reason among others, that it so happens that some districts have not much educational ability in them while other districts take a special interest in the work of education.

1716. Dr. TRAILL.—How will you meet the next class of difficulty?

Rev. Dr. Walsh.—The existing Education Board numbers 32, and the difference between that and 15 is not very great. It is very desirable that a larger number should have office. As I have said, the Ecclesiastical Board, as it at present exists, numbers 32, and the Incorporated Society numbers 100, and it does its work well.

1717. Lord Justice FREEMAN.—It appears to me that the committee of 15 to do the work.

Rev. Canon Scott.—There are 13 parishes, and their representatives are from the parish of St. George.

The Archdeacon of Dublin.—When I made the effort to get something done, I wrote to the Diocese of Cork to ask for information about their numbers, and got the kind of information that Lord Justice Puffin has given us; but I got one warning—to do all I can to avoid local election of representatives.

Rev. Canon Scott.—Page 7, Clause 2.—We and our opinion that the election should be from the district.

The Archdeacon of Dublin.—We consider the elections are really provided for.

1718. Dr. TRAILL.—The Local School Committee consist of one clergyman, one lay man, and five others.

The Archdeacon of Dublin.—We do not object to that, what we do object to is its being in the power of the Board to appoint a Local Committee to a single parish.

1719. That would be a parish outside the Scheme.

Lord Justice FREEMAN.—One of the functions of each local school committee will be to select from their own district a couple of members for the central body.

1728. Dr. TRAILL.—Do you object to Clause twenty-four?

The Archdeacon of Dublin.—I don't object to that, for it is not appointing a separate government; Clause fifteen is right, fourteen is right, and fifteen and sixteen will be made right by putting "pupils" instead of "boys," and two years ought to be put in.

1729. Lord Justice FIRKGUNSON.—Two will be enough!

The Archdeacon of Dublin.—Yes, that will do. The last clause the Lord Justice was inclined to make was more liberally worded than it is at present.

1730. Dr. TRAILL.—You want to dispense with the Board of Religious Education altogether?

The Archdeacon of Dublin.—Yes, and to leave it to their own power to raise money for expenses.

Mr. Wakely.—I appear for the trustees of Love's Charity. They object to be included in the general scheme, but they wish to have a separate scheme, and my submit a draft scheme. At the time the application was before you it appeared that the Charity was not doing its full work, and was not as useful as it ought to be. The reason was the Love Charity Scheme of 1874 only enabled fees of £10 each to be given, and that was not sufficient, but at the present time the funds of the charity are being used to their full extent, and they are paying now about £368 a year.

Lord Justice FIRKGUNSON.—Has your attention been called to a letter from this Commission dated June 29 last?

Mr. Wakely.—No. Letter read, stating willingness of Commission, if invited, to frame a separate scheme for Gardiner's and Love's Charities.

Mr. Dix (Solicitor for the Love Trustees).—I never heard of it before.

Lord Justice FIRKGUNSON.—We sent it to the Dean of Christ Church.

Mr. Wakely.—They would have no objection to be joined with Gardiner's Charity.

1731. Lord Justice FIRKGUNSON.—Would it not be very much better that these two Church funds should be connected with the administration of the general Scheme?

Mr. Wakely.—One of the proposed trusts is to provide fees for apprentices and another is for scholarships, but the trustees consider that the first intention was the apprenticeship fees. It is a most useful trust as there are many boys and girls who are not very good scholars but who often turn out good tradesmen and workmen, and by having a separate scheme for them we best administer the funds of the charity.

1732. The only question is whether it would not be better to administer the funds in connection with the general Scheme of the diocese, keeping the trusts as they are, and reserving both Gardiner's and Love's endowments for the advancement of pupils of the parochial and district schools, whether by the payment of apprenticeship fees or fees for training colleges or advancement in other ways. These £10 fees for apprentices are of very little use.

Mr. Wakely.—In section 21 it is proposed that they should go to £30 for boys and £20 for girls. Some of the property is land, and they have no power to sell it.

1733. What is the present constitution of Love's Charity?

Mr. Wakely.—There are two trustees.

1734. And what is the constitution of Gardiner's?

Mr. Wakely.—It is managed under the Board of Charitable Donations and Bequests. At page 3 of the Scheme it says:

"The annual produce thereof is now administered by the Rev. Samuel Carville Hughes, LL.D., by the authority and under the superintendence of the Commissioners of Charitable Donations and Bequests, in whom the property representing the said benefit is now vested."

1735. This represents £4,500, and between land and Glands you have in the two endowments £360 a year, and it seems to be managed at an expense of £15!

Mr. Dix.—There is no paid secretary or officer of that kind—only the agent who receives the rent.

The Archdeacon of the Chapel Royal.—We have a great deal of other business to attend to, and I think what Lord Justice Firkgunson said would be a very good suggestion if they would place the money at the disposal of the Board to be spent either on apprenticeship to trades or on fees for a training college or Intermediate School; that would carry out the spirit of the bequest.

1736. Lord Justice FIRKGUNSON.—The best modes of advancement have changed very much since these endowments were given; £10 at that period would provide a boy with an apprenticeship for three years, but you cannot get it now, and there are now many trades in which they won't take apprentices at all.

Dr. TRAILL.—Look at Clause 15.

1737. Lord Justice FIRKGUNSON.—I don't think Mr. Wakely would object to the power being given to the trustees, keeping them as a separate Governing Body.

Mr. Wakely.—The trustees propose that the Governing Body should be a corporation of six.

1738. Is that for the two funds?

Mr. Wakely.—That is for Love's; but they won't object to being joined with Gardiner's.

Mr. Dix.—We are satisfied if the two boards are united.

Mr. Wakely.—The trustees think the smaller body of six would manage the fees best.

1739. Lord Justice FIRKGUNSON.—We will have no objection to stating that in the separate scheme they shall give due consideration to providing apprentices fees, so far as advisable.

Dr. TRAILL.—The Governors of Gardiner's Charity are three official persons.

Mr. Wakely.—The funds are in the hands of the Board of Charitable Donations and Bequests, and are administered by the Rev. Mr. Hughes.

1740. Lord Justice FIRKGUNSON.—He has no authority. He only sends up recommendations which the Commissioners need not adopt if they do not like.

Mr. Wakely.—I am only appearing for the trustees of the Love Charity, and they have no objection to be joined to Gardiner's Charity.

1741. Love's Charity we can only act upon by consent. Gardiner's Charity is in the hands of the Commissioners of Charitable Donations and Bequests, and we can deal with that as Church property. The question therefore is whether we ought to put Gardiner's Charity alone into the Diocesan Scheme, or put it into a separate Scheme with Love's Charity. Will Mr. Dix, who has the confidence of all sides, communicate with the Secretary of the Diocesan Committee, and send us the result?

Mr. Dix.—I am acting on the instructions of my client, and he has strong opinions about it, and I could not commit him by attending any meeting of the kind.

1742. Can you not discuss the question with the Committees of which Mr. Tristram is the Secretary? Even though you insist on keeping the thing in your own hands, you may see some way by which your governors can aid this Scheme, by giving benefits to pupils of the Diocesan Schools.

Mr. Dix.—A separate body would work our Scheme more efficiently.

Mr. Wakely.—My clients feel very much in reference to the apprenticeship fees—that there are many children who, though they might not happen to be good scholars, turn out to be first class tradesmen.

Dr. TRAILL.—You will find that boys of the trade-craft turn out good scholars in a couple of years.

1743. Lord Justice FIRKGUNSON.—We can do no more than make the suggestion that you should meet one another and discuss the matter. We are perfectly satisfied to join the Love and Gardiner's Charities.

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under one body, the only question is whether it is to be separate from the Diocesan one. If you insist on it, we shall be quite willing to give you a separate Scheme, and a separate governing body for these two funds, and if at the same time you can agree to the suggestions about scholarships for deserving pupils from the Diocesan Schools, we will carry out your wishes.

**Rev. Dr. Tristram.**—With regard to the mode of election, are we competent to take that question into consideration?

**1736. Lord Justice FitzGibbon.**—You can discuss the whole question.

**Rev. Dr. Walsh.**—We are all strongly against district elections.

**1737. However elected or formed,** the Board must be a body qualified to take up all the work now done by the Diocesan Board of Religious Education. Dr. Traill has this Scheme in his hands, and will go

through the details, and we shall all try to make it a workable scheme. We will revise it, and then send it out to everybody concerned. You may then keep it for a short time and consider it, and send us what you have to say upon it. But you must charge someone with the duty of getting in the consents. This is an absolutely necessary thing. We cannot do it, as the promotion of this Dublin Scheme has been very much neglected all through. You must get it out of your heads that the Commission is promoting the Scheme, you must work it up for yourselves. We are only doing our best to frame it effectively for those who want it. You should all do your best to get in the consents—do you understand?

**The Archdeacon of Dublin.**—We do, and we greatly appreciate your kind efforts.

**1738. Lord Justice FitzGibbon.**—We thank you all; but we can do nothing unless you help us. The Inquiry then terminated.

March 29, 1893.

## PUBLIC SITTING—WEDNESDAY, MARCH 29, 1893,

At the Courthouse, Monaghan.

Present:—**ANTHONY TRAILL, Esq., M.D., LL.D., F.T.C.D.,** and **Rev. H. B. WILSON, D.D., Assistant Commissioners.**

The Assistant Secretary, F. REDMOND, B.A., was in attendance.

## JACKSON'S SCHOOLS, MONAGHAN.

**W. Martin, Esq., Solicitor, appeared for the Incumbent and Churchwardens of Monaghan.**

**1739. Dr. Traill.**—I should state in the first instance the reason why we have come here at so late a period during the existence of the Commission. Our time as a Commission has been greatly taken up in the last year with more important and pressing business; but the month of March, the end of which we are now so near, is the last month in which Parliamentary powers are granted to our Commission. Our powers expire on the 31st of March for any new business; after that we can only finish up the business that has been already taken in hand by the Commission. We will complete that within the present year, and then the Commission closes for good. Therefore it is that we have been, I may say, ruling the rook in the last month, and looking up all the cases that we have from pressure of time or otherwise omitted up to this. Jackson's Schools, Monaghan, is one of those few cases we were unable to reach before. We are holding the Inquiry to-day to see how far it is necessary to devise any scheme before the Commission winds up, and, by holding the Inquiry now within the month of March, we are able to bring it within the list of Schemes, that we will be able to publish, if necessary, and finish within the present year. With these introductory remarks I will just mention the origin and nature of this Endowment, and then we will examine each witness as can give us information as to the present condition of the School, and take the suggestions of any member of the public interested in the matter, so far as to give us any suggestion as to drawing up a Scheme for its future management. This property and Endowment date from a will of Mr. Richard Jackson of 1854. I will read the parts of the will that have reference to the School. He first of all leaves and bequeaths to his wife certain property, then in trust, during her natural

life, the lands commonly called Terfinog and Aughestanman, in the parish of Monaghan, for the following purposes:—

"That is to say, twenty-two pounds three shillings sterling yearly and yearly to be paid to the Schoolmaster that teaches my Education School in Monaghan, and four pounds thirteen shillings sterling yearly for stationery for said School. I also leave and bequeath to the Misses that teach my Work School the sum of sixteen pounds twelve shillings and threepence sterling yearly, to be paid out of said lands called Terfinog and Aughestanman. I also leave and bequeath to my Widow's House the sum of twenty-five pounds nineteen shillings sterling yearly, to be paid out of said lands of Terfinog and Aughestanman, to be paid to six poor widows. I also leave and bequeath to the poor of the Parish of Monaghan the sum of fifteen pounds sterling yearly, to be paid out of said lands of Terfinog and Aughestanman, which said five sums total eighty-four pounds seven shillings and threepence sterling yearly, to be paid to the said five charitable purposes of said lands of Terfinog and Aughestanman for ever."

Part of those are Non-Educational Endowments, where they are mixed Educational and Non-Educational we can still deal with them.

"And my will is when there is more than the said sum of eighty-four pounds seven shillings and threepence sterling yearly paid out of said lands of Terfinog and Aughestanman, together with one shilling in the pound for agent's fees for receiving and managing the rents of the said lands, the increase is to be put into the Monaghan Saving Bank, to keep always a sum to the good for repairing said Schools and Widow's House from time to time hereafter, and my will is that my said wife is to have full power during her lifetime to manage the said five Charitable Institutions as she may think fit, and my will is after the death of my said wife, the said lands are for ever after to be vested in trust in the hands of the Rector and Churchwardens of the parish of Monaghan for the

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(see will) for the said free charitable uses for ever, and so it is that the said Rector and Churchwardens for the said long will have a liberty of making from time to time better leases or leases."

And so on. One thing that makes it necessary for us to hold an inquiry here, and to publish a School with respect to an endowment of this kind is, that, although my will was made in 1854, when the Church was established, and the Minister and Churchwardens were a Corporation, who could hold property, yet since the Disestablishment of the Church the Rector and Churchwardens no longer are a Corporation, therefore, property no longer vests in them. The title to property which, vested at the time of the Disestablishment in the Rector and Churchwardens, would now be found in the personal representative of the last survivor of those three persons. Therefore, in case now, the property becomes derelict owing to the Disestablishment. I will follow the rest of the will,

"And my will is that my said Trustees hereafter shall be careful in filling up the appointments of Teachers to my said Schools, as they are to be chosen from time to time by a majority of the members of the Primitive Wesleyan Society that is in connection with the Society that holds the Primitive Wesleyan Preaching-house, Great George-street, South, Dublin, and that the Schoolmaster shall be always a teacher in said Society, or be can not be Schoolmaster to my said School; my will is that when a vacancy shall take place, from time to time hereafter in the work school, the Minister that shall be appointed hereafter, and always to be a member of the said Primitive Wesleyan Methodist Society, as already mentioned, as none other does the allowance for either Schools, and my will is that the Rector and Churchwardens for the time being fill up the vacancies of scholars in either Schools, but subject to rules I make for said Schools; and my will is that my Leaders and Preachers that the town of Monaghan may be a part of the circuit of the Primitive Wesleyan Societies have the filling up of the vacancies as may occur in my said Widows' House, still subject to the rules I have made for its government, said six widows each shall receive yearly twenty pounds each."

Signed and sealed. Now you see that another complication has arisen with regard to that, and, if there happens to give us any particular information with regard to the Primitive Wesleyans, in this district, we shall be very glad to get it; but my present impression is, the Primitive Wesleyans, as a separate body, have disappeared since the time of the Disestablishment of the Church, because we are aware that a number of their ministers went over to the Wesleyan Methodists, and a number of their laity went over to the Church of Ireland, so if there is any body called the Primitive Wesleyan Methodists now, we should be glad to hear them, and to know if they have anything to say with regard to the carrying out of this trust in connection with their Society. The other will is the will of Margaret Jackson, and her will was also proved in 1844, it is most likely died very shortly after her husband. Her leaves and bequests to the poor of the parishes of Monaghan and Clogher, the sum of fifteen pounds, per annum, each year, and yearly for ever, to be paid into the hands of the Ministers and Churchwardens of each parish respectively. Is the minister of the parish of Clogher here?

Rev. R. Z. O'Loughlin, p.p.—No, he is not.

1340. Dr. TRAUNE.—Who is he?

Dr. O'Loughlin.—Mr. Bury.

1341. I don't see that there is anything educational up to this in her will, and she bequeaths—

"To the six widows in my Alehouse, and their successors from time to time, for ever, the sum of six pounds per annum, to assist in providing clothing for them. I also leave and bequeath the sum of five pounds per annum, per year for ever, to each of the two Schools endowed by my dear husband, and which I direct shall be applied by my executors herein named in making further repairs which may from time to time be found wanting or necessary."

Is there a second School that was endowed by her husband?

Dr. O'Loughlin.—The one was a work School, and the other was a School for literary purposes, and they were amalgamated.

1342. She makes a codicil.—

"After the execution of any will, which I entirely approve of, I have and bequeath to the Rector, Curate, and Churchwardens of the parish of Monaghan, and their successors for the time being, for ever, the sum of five hundred pounds sterling, and the sum of three hundred pounds sterling, both said sums to be given out separately, on interest upon approved securities, in the names of the said Rector, Curate, and Churchwardens."

Have you a Codicil?

Dr. O'Loughlin.—Yes.

1343.—

"And I will and direct that unless the same be vested in Government security, that the said two sums, or any part thereof, shall not be given out upon private securities, without first obtaining the full approbation and consent of at least the majority of the Governors of the County Infirmary, and of the said Rector, Curate, and Churchwardens and parish. And I will and direct that the interest half-yearly, of the said two sums of five hundred pounds and three hundred pounds, be received by the said Rector, Curate, and Churchwardens, and their successors, for the time being for ever, whose receipt and discharge alone shall be sufficient for the same, and further that the interest half-yearly of the said sum of five hundred pounds be by whom paid unto the Charitable Fund, and that they shall attend and see the same distributed properly, as every the Saturday preceding Easter and Christmas, among the most deserving poor within the Corporation of Monaghan, and not resident there less than five years, at such distribution. And with regard to the interest of the said sum of three hundred pounds I also will and direct that the same shall half-yearly be received by the said Rector, Curate, and Churchwardens of said parish, and their successors for the time being for ever, whose receipt alone shall be a sufficient discharge for the same, and that when so received by them I order and direct that they shall, on the Saturday preceding Easter and Christmas, distribute the same amongst the poor housekeepers only living within the said Corporation of Monaghan, and who shall not be then receiving aid from the Charitable Fund, or on the list for the purpose, and who may be at the time of such distribution, resident in said Corporation of Monaghan, five years at least, and so to continue the distribution of the interest of both these sums of five hundred pounds and three hundred pounds for ever, and not otherwise, in any amount whatsoever."

Then she bequeaths different sums to different persons, Molita, Addesses, the Church Missionary Society, and the Hibernian Bible Society.

"And I hereby charge all the before mentioned bequests and legacies in this my codicil to my will, in the manner as I have by my said will, upon all my freehold and other property, from which I order and direct the same may be paid."

So there is nothing educational in her will except £5 per annum to each of the Schools. Dr. Wilson and I visited the Schools this morning, of course it is Easter vacation and there was nothing to see except the empty schoolroom and the buildings, which doesn't appear to be in a very good state of repair; we did not visit the Widows' House because it is not a part of our business.

Dr. O'Loughlin.—Perhaps it would be better for me to tell you there are no widows actually in residence at present.

Rev. Robert Orr.—I appear as representing the Wesleyan Methodists.

Dr. TRAUNE.—Very well, sir; we will take your statement afterwards.

Mr. F. Martin, solicitor—I appear professionally for the Rector and Church wardens, and, I respectfully submit in the first place that you have no power to go into this charity at all; and even if you had the power, there is no necessity for your interference. Of course I respectfully submit these matters in the first instance, and, subject to that, the Rector is here prepared to give you every information.

1344. Dr. TRAUNE.—What is your point about our jurisdiction?

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March 19, 1885.

**Mr. Martin.**—Well, on the face of it, as you have already mentioned, it is a mixed charity. Of course, that would not in itself, as I know, prevent your interference, but it is a mixed charity. As you have already said, sir, the Church Act has an important bearing upon the position of Rector and Churchwardens as a Corporation, and that you mentioned as a necessity for your interfering with regard to the management of these schools, but that would not assist the Rector or Churchwardens in any way in recovering the rents of these premises, because a large portion of the lands are devoted to other purposes outside the endowment, therefore if they are in any difficulty, they would be in precisely the same difficulty after you were done as they are in now, if they are in any, which I don't think they are, so that it would not be any assistance to them whatever your forming a Scheme under your powers.

**1745. Dr. TRAHL.**—Do I understand you to say that you are still of opinion that the Rector and Churchwardens are a Corporation?

**Mr. Martin.**—No, I don't say they are.

**1746.** In what way do you contend they hold this property at present?

**Mr. Martin.**—I am just about to state it. After these wills were made, until the passing of the Church Act, of course, there could be no question. After the passing of the Church Act a number of difficulties arose, as well as the effect that it had on their position as a corporation, and it was necessary that proceedings should be taken for several purposes, one was with regard to the amalgamation of the Schools; it was contemplated by the will that there should be a master and mistress, the salaries that were allowed for them turned out in the present day to be such as would induce nobody that could be trusted with the teaching of children to take them; therefore, it was necessary to submit a Scheme to the Court of Chancery, and necessary for the purpose of having this will altered.

**1747.** That is very important, have you got that Scheme?

**Mr. Martin.**—I have that Scheme here (produced), and that is the reason why I think it would be unnecessary for you to enter into it. The Scheme was made on 19th February, 1877.

1748. I had better read it.—

"1st.—The Charity shall be called Richard Jackson's Monaghan Charitable School."

"2nd.—The Managers of the said Charity shall be the Incumbent for the time being of the Church of Ireland of the parish of Monaghan, and the Church Wardens of the Church of Ireland for the time being of the said parish."

"3rd.—The trustees or trustees for the time being of the will of the said Richard Jackson shall every year pay into the credit of the Commissioners of Charitable Donations and Bequests, in the Bank of Ireland, the said several amounts of £22 1s. 6d. £4 1s. 6d. and £16 1s. 6d."

"4th. The Commissioners shall transmit the said sums, amounting to £22 1s. 6d. to the managers, £22 1s. 6d. thereof to be applied by them in payment of a schoolmaster or salaries for the said school, and £4 1s. 6d. in payment of stationery for the same."

"5th. The said managers shall have the care, management, superintendence, and control of the said School, and they shall have power to appoint either a master or mistress of the said School, as they shall think most expedient, and they shall have the nomination and removal of such master or mistress, and of the pupils thereof."

"6th. In the first instance, and on every vacancy in the office of master or mistress in the said School, the managers shall cause one or more advertisements in the public papers to be published and circulated, giving notice of the vacant office at the said salary of £22 1s. 6d. and that candidates are to forward testimonials to the Manager at Monaghan by a fixed day to be named in said advertisements."

"7th. If the Managers can provide a competent schoolmaster or schoolmistress, as they may think most expedient, from amongst the members of the Primitive Wesleyan Methodist Society, such person shall be appointed by the Managers, but if no such competent person can be procured from the members of such Society, then the Managers shall

have power to appoint such other person as they may think fit. The Managers shall be the Incumbent and the Churchwardens."

Is your contention that the difficulty that I have mentioned about the corporation sole having been destroyed by the Church Act, has now been got over by the Chancery Scheme?

**Mr. Martin.**—Quite so.

**1749.** Well, that is a good point so far.

**Mr. Martin.**—The other point is, that even supposing you found it necessary to form a scheme, I think you would very probably adopt that scheme as a whole, as it is there, because I don't see that it could very well be altered, having regard to the terms of the will. In case you adopt a scheme you would have no power to change the trustees because they are definitely fixed by the will, and also by that Scheme of the Vice-Chancellor. The school at present is under the management of the National Board, which contributes to its assistance; they pay a yearly salary; the teacher is properly qualified under the Board, and the Rector of the Parish is the Manager of the School.

**1750.** Were you not aware of this Chancery Scheme when you wrote?

**Dr. O'Leighlin.**—Oh, yes.

**1751.** Why did you not send it up?

**Dr. O'Leighlin.**—All I got was a notice that you were coming down.

**1752.** There were previous letters sent backwards and forwards.

**Dr. O'Loughlin.**—There was one previous letter sent to me asking for the number of children on the roll.

**1753.** There are two reports here dealing with this School. The first is the report of 1858, which represents the School in a wretched state, but that was under the old system.

**Dr. O'Leighlin.**—Yes, at that time there was a schoolmaster and mistress, the schoolmaster was receiving £20, and the mistress £10.

**1754.** He seems to have done everybody, both the Inspector of the Church Education Society and the Rector, and to have kept the place in the most inefficient state.

**Mr. McFieft himself,** whose duty it is to visit the school in his two-fold character of trustee and clerical superintendent under the Church Education Society, has for a long time past discontinued his visits owing to the hostility of the master. The school suffers, as a master of course, from the absence of the rector, although I believe that under the present master, as frequency of visits or severity of inspection could avail to make the school useful."

That was in 1858. Then the curious thing is that though you have a Chancery Scheme in 1877, here is a report of 1880:—

"This is an ordinary National School, and the children answered as well as they usually do in these schools. The premises consist of two schoolrooms, one of which is in use and the other fitted up as a Bible Class room, &c., connected with the parish, and a house in which four poor old women used to be lodged, which is now vacant. The privies connected with the school are in very bad repair. There were forty-five pupils present."

They mention nothing about the Chancery Scheme here. With regard to the question you have raised as to our jurisdiction; in order that any Endowment should be exempt the Governing Body should be exclusively of one denomination, and the persons for whom benefit it is intended should be exclusively of the same denomination. So far as your trustees under the will are concerned there is no doubt that they were persons of one denomination, but then it is complicated in a very curious way, because in the application of the Endowment another body comes in called the Primitive Wesleyan Methodists, and as far as their interests are concerned the Endowment would not be exempt, however, practically, it does not make any difference, because, without prejudging the whole matter, it is not the least probable or almost possible

that we are going to change the trustees, we have no pleasure of doing that as far as I know.

Rev. Dr. WILSON.—We could not do it.

Dr. TRAILL.—It would not be our purpose, because another clause of the Act says we are to have regard to the intentions of the founder, but it is quite evident if that Chancery Scheme had not been there we would have been asked, and almost required to do practically what the Chancery Scheme has done. It may turn out, after we report to the full Commission in Dublin, that there may be no necessity to have a Scheme; at the same time, as we are here it would be advantageous for us to bear from the Incumbent as one of the trustees, and also the gentlemen representing the Methodists, if they have anything to say on the matter, and then we will report fully to the Commission. You may make your mind quite easy that we are not going to disturb the intentions of the founder; but if anything is necessary to carry out the purposes of the will we may assist you.

Mr. Martin.—With regard to the observation you made about the Primitive Wesleyan Methodists, at

the time the will was made they were members of the Church of Ireland, they were merely a society, and afterwards, when that society ceased, a great many of them became members of the Church of Ireland.

1755. Dr. TRAILL.—A great many of the laity did so, I don't think the clergymen did.

Mr. Martin.—Then the society ceased to exist.

1756. One of the things we would be glad to know about is, if the gentleman who represents the Wesleyan body can tell us, whether the congregation of South Great George's Street, Dublin, is in existence, or who represents them?

Mr. Martin.—I don't think there is any question in contention between us, because no change can be made in the trustees and no change can be made I think in the Scheme either. Of course I am not pre-judging it, but it appears to me that you cannot make any change that would cause any conflict to arise between the Wesleyans and the Rectory and Church Wardens.

Rev. Dr. WILSON.—Our one object is to follow the will, and carry it out as far as we can.

Rev. R. S. O'Leaghlin, M.A., sworn and examined.

1757. Dr. TRAILL.—You are the manager at present? —Yes.

1758. How long have you had charge of the school? —Since my appointment in November, 1881.

1759. When was it first put under the National Board? —I found it under the National Board, I think in about 1882.

1760. Is the schoolmaster here also? —Yes.

1761. Is the workmistress a relation of the schoolmaster? —His sister acts as workmistress but is not married, she acts in a private capacity.

1762. Do you pay her under the will? —No, as you will notice in that Scheme, both the payments are used to pay the master a reasonable salary.

Mr. Martin.—You cannot now have a master and mistress both at the same time, but you can have either a master or mistress.

Dr. TRAILL.—The Commissioners are to transmit £1000 per annum, amounting to £45, to the managers to be supplied by them in payment of a schoolmaster or mistress for the said school.

Dr. WILSON.—The sum would be quite inadequate to pay the two.

1763. Dr. TRAILL.—What salary does he get under the National Board? —He is First or Second, he gets £35 from the National Board.

1764. Then he is an efficient teacher? —Yes, First or Second.

1765. Is there anything that occurs to you, now that you have got this Chancery Scheme—do you think it worth while to get your powers enlarged in any way, or is there anything that we can do that would be useful to you, even if it were exempt? —I am quite satisfied with it as it is, the school is doing good work.

1766. Have you had any question arising with regard to a competent Schoolmaster or Mistress among the Primitive Wesleyan Methodists? —Not during my time.

1767. Have you any Primitive Wesleyan Methodists as a separate body here now? —No.

1768. Were there any here when you came? —No. I have no idea when it broke up here as a body, but I know I have several members of my Church who were

Wesleyan Methodists, most active and efficient, and communicants of my Church.

1769. Dr. TRAILL (to Rev. R. Orr).—Is there any question you would like to ask?

Rev. R. Orr.—I don't see that I have anything to ask. I have just my knowledge of the matter to give you.

1770. Dr. TRAILL (to witness).—What money do you spend on the repairs of the School?

Dr. O'Leaghlin.—All the money is in the hands of the Commissioners of Charitable Bequests, and since I came here they paid a bill to Mr. Wilkinson, the builder, of £42. Last summer I went to the Commissioners of Charitable Bequests; I found they had some money in hands, and I had a scheme which I intended to propose to them for taking the roof off the present School, putting in new windows, and making the roof. Either that, or, if some money could be raised, to build a Teacher's residence, and get out the present School and make one schoolroom of it.

1771. Have they got powers to give you that? —They have been sending me about from post to pillar.

1772. Because if they have not power, some of them are powers that we could give you in a consent Scheme on your own application. So you had better consider that. Remember that when once money has passed into the hands of the Charitable Bequests Commissioners, see general rule you cannot touch the capital, but only the interest! —There is some of that money earmarked; they have £50, and that, I was in hopes, might be supplemented from some other source to make a decent schoolroom, or we could borrow from another source and make a schoolroom.

1773. Well, if any question like that arises you may put yourself in communication with the Charitable Commissioners, and get a definite answer from them whether they consider it within their power to give you that money, or whether they consider it to be invested capital, of which they can only give you the interest! —No, they do not consider it as invested capital, but only hold it for the repairs of the School.

March 28, 1889  
William David Carroll sworn and examined.

1774. Dr. TRAILL.—How long have you been Master of this School?—Since 1877.  
1775. You are classed under the National Board?—Yes.

1776. What class?—First or Second.  
1777. What numbers have you got in the School at present?—I have 54 on the rolls.  
1778. What is the average attendance?—The average for this quarter will be about 30.  
1779. Rev. Dr. WILSON.—Could you give their religious denominations?—I could. I have nothing but Presbyterians and Church of Ireland children.

1780. What are the numbers?—I don't know the exact number of Church people, but they are about half and half.

1781. Dr. TRAILL.—53 males and 31 females; 54 on the rolls; 68 average number on the rolls; average daily attendance, 44; that is in 1889. How many do you say there are of the different denominations?—About half and half of Church children and Presbyterians.

1782. Are there any Roman Catholics or Methodists in the School?—No.

1783. Have the Presbyterians got a separate school of their own here?—No, I believe not, they have the Model School.

1784. How is your religious instruction conducted?—From half past two to three.

1785. Is that the last half hour of the day?—Yes.

1786. What organizes come to look after the religious instruction of the Church children?—The Curate and perhaps Dr. O'Loughlin.

1787. Does the Presbyterian minister come to look after his children at any time?—He visits the school occasionally.

1788. Does he examine the children or give any directions about the religious education?—No.

- Dr. TRAILL.—The Testator does not make any reference at all in his will to the children, or make any statement whether it is for the poor of any denomination, he simply says "to be paid to the master, who teaches my school."

- Dr. O'Loughlin.—There were a series of rules that were hung up in the School in Mr. Jackson's time, and in those the children were described as the poor of Monaghan.

- Mr. Martin.—There is another provision in the will which says "my will is that the Rector and Church Wardens for the time being fill up the vacancies of scholars in either schools," so that it is entirely in their discretion as to whom scholars shall be admitted.

1789. Dr. TRAILL.—Yes, "my will is that the Rector and Church Wardens for the time being fill up the vacancies of scholars in either schools,"—the spelling is very curious. That is in favour of your contention that the whole thing is exempt. It certainly appears to be exempt entirely, unless anything turns on the appointment of the schoolmaster and schoolmistress, who were to be Primitive Methodists. But you say they were all church people at that time?

- Mr. Martin.—Yes, and they have ceased to exist as a separate body.

Rev. Robert Orr sworn and examined.

1790. Rev. R. Orr.—In 1875 I was the minister belonging to the Primitive Wesleyans here, not living in this town but in Clones, supplying this place, myself and a colleague, every Sunday. We understood this entire property to be property at the disposal of the Primitive Wesleyan Society, that the Rector and Churchwardens of Monaghan were the trustees of this property, and that we had all the charge to discharge, which duties I discharged the schoolmaster being appointed by my predecessors. I did not appoint any schoolmaster, but I visited regularly the four widows in the houses. And of course in our itinerating work, moving from place

- to place, I was removed at the end of three years. I never heard anything of this matter of the Court of Chancery, knew nothing about it, and I know nothing about how it has passed to the management of those who manage it now. The Primitive Wesleyan Society united with the Wesleyans; but before they did so they got an Act of Parliament by which all the property passed over, that they had control of, so that they could make a deed of it to the united body, which they have done. I never knew anything about the will before, and I knew nothing about the object of your coming to-day, or I would have been better

1790. Rev. Dr. WILSON.—Is that a matter of fact. Had you no Primitive Methodists connected with your Church?
- Rev. J. A. Allison, Presbyterian Minister.—I had two members who always attended these Primitive meetings, they attended my Church in the morning, and I think they attended the Primitive in the evening. One of those is dead now, and there is only one member in town now who follows that practice of attending my Church in the morning, and the other in the evening.

- Rev. R. Orr.—Our late Circuit Steward, our highest officer, was a member of Mr. Allison's Church.

- Rev. Mr. Allison.—I made that statement that the member was connected with both bodies, he is deceased within a year, the late Mr. Blakely.

- Rev. Dr. WILSON.—The thing is of somewhat beyond this that I don't accept the statement that the Primitive Methodists were members of the Church of Ireland.

- Dr. TRAILL.—I am afraid it was one of their rules that they had to communicate every year in the Church of Ireland for all that.

- Rev. Dr. WILSON.—I know in my own Church I had a number of Primitive Methodists.

- Rev. R. Orr.—That was the case all over the country.

- Mr. Martin.—That may be, but under the constitution of the Society, as framed by the founder of it, they were obliged to belong to the Church of Ireland.

- Dr. TRAILL.—I am quite satisfied of that myself.

- Rev. R. Orr.—It is not correct to say or think that the Primitive Methodists have passed away, that they are not in existence, I am one of them.

- Dr. TRAILL.—But you are one of their ministers, and I said that the former ministers all went over to the Wesleyans.

- Rev. Mr. Orr.—They are still in existence.

- Dr. TRAILL.—This will be a very good time for you to come up and give your evidence.

1791. Rev. R. Orr.—Have you any children named Short at the school?—Mr. Carroll.—Yes, I have.

1792. You said there were no Methodists?—I have them registered as Presbyterians.

1793. Dr. TRAILL.—Have you got your roll-book with you?—No.

1794. How have you entered these children in your book?—As Presbyterians.

1795. Dr. O'Loughlin.—Who authorized you to enter them as Presbyterians; was it they themselves—I believe so, doctor, the parents.

- Rev. R. Orr.—That is where the mistake is; it is not likely that it is on his side.

- Rev. Dr. WILSON.—Here is the passage to which I refer:—"Leave and bequeath to the poor of its parishes of Monaghan and Clogher the sum of £15," and so on.

- Dr. TRAILL.—That is not the educational part, as that is Margaret Jackson's will.

- Mr. Martin.—Dr. Wilson's point is that that money for the poor is not denominational. That is so, but it has no bearing whatever, as I submit, upon the School.

Rev. Robert Orr

wanted to give you fuller information. I was connected with it formerly, and it was understood by the Primitive Wesleyans in this town, and by Mr. Flanagan and others, that this was entirely at the disposal of the Connection. What was the property of the United Wesleyan Connection then is the property of the United Body now. I belong to the United Body; it is not called Wesleyans, it is Methodist, that is dividing the two bodies. Some do go to the Church, only as I might go to any other, but not as a body.

Mr. Dr. TRAILE.—The reason I mentioned about a number of the laity is because I personally know of the Messrs. Hayes, two brothers, appeared in our Local Synod. They made statements there publicly what your Society was doing, and, as far as we could understand from them, the Ministers as a body answer to the Wesleyan Methodists!—It was an agreed union, legal documents were prepared for it, I could have communicated with the authorities of a Church had I known you were here to-day, and had disclosure.

1805. If you are taken at any disadvantage to-day on account of us in Dublin afterwards, surely means we have held this inquiry on a sufficient notice is, as I have told you, because the 31st Inst., was the last day on which we could do it, and thought it better to pick up these two Endowments at once, but you will not be prejudiced by it because you have any further communication to make to us, we send it to Dublin.—As the property of the United Wesleyan body passed to the Methodists, that of the Rector and Churchwardens of Monaghan, in some way passed in connection with the Chancery Scheme.

1806. Whom do you say the property of the Minister and Churchwardens passed to, you don't say that it went to the Wesleyans as Trustees!—They are still owners of the property.

1807. You are not contending that the trusteeship passed to the Wesleyans!—Oh, no, certainly not.

1808. Rev. Dr. WILSON.—As I understand, the trustees, though connected with the Church of Ireland they always were, used the property for the same purpose as if there had been no such union!—That is my idea.

1809. Dr. TRAILE.—Have you appointed any of the widows!—Not since I came, I am not certain whether I made the appointment of any widow at the time, but regularly visited them.

1810. There is no doubt under the will that the appointment of widows lies with the Primitive Wesleyans—and the teacher was to be a Primitive Wesleyan, is not that one of the clauses?

1811. Certainly, and in the Chancery Scheme it is one of the clauses that if a teacher of the Primitive Wesleyans can be found he is to get the preference!—My point is that there is no change with us, it is only the amalgamation of the two bodies, and the Act of Parliament puts us in the same position as if there had been no change in our bodies.

1812. That being a legal point we will reserve it wholly for Lord Justice Flanagan and Mr. Justice O'Brien, because it becomes a question whether the trust of the property passes that way; if your Society had joined the Roman Catholic Church for instance you might hold a different view as to whether the trust would pass to that body!—I don't know that there is anything more to say, I was the Minister who changed the duties of that place for the Methodists. It was always reported here amongst the primitives that the Rector had a veto or something on the appointment, but it is the first time I heard that they were trustees.

1813. They are trustees under the will, no doubt. Supposing it were assumed for the sake of argument, that the property, so far as it was a property, had passed to the Methodist Body generally, of which you are now a member, is there any practical suggestion you would

base on that with regard to the management of this *Methodist School*!—Oh, I don't know—  
Rev. Robert Ginn.

1814. I mean to say have the Methodist body any numbers that would go to the school, or have you any separate school for your own people!—We have not.

1815. Do you reside here!—I reside here, my firm conviction is that the property still is Methodist.

1816. But the appointment of the scholars lies with the Rector and Churchwardens!—That is another matter.

1817. It is a very curious matter that the appointment of the scholars lies with the Rector and Churchwardens!—I think we should have our share of that at all events.

1818. But that is provided in the will!—Of the poor.

1819. Not of the poor. "My will is that the Rector and Church Wardens for the time being fill up the vacancies of scholars in other schools!"—The filling up of the vacancies among the widows lies with the Methodists. We don't want anything more or less than what the will specifies.

1820. That is why I asked you. Supposing it was considered that as far as the property went, that is the Alms House property, if that were still preserved for the Methodists, supposing the property did pass on account of your deed, would you still make any claim to the appointment of a master or mistress for a school, in which all the scholars were to be chosen by the Rector and Churchwardens!—I think we should still claim to appoint the schoolmaster.

1821. For what practical purpose!—For the same purpose as formerly.

1822. Ah, but formerly there was a difference!—They were not all Methodists at first, in my time there were but a few Methodists when I was appointed.

1823. Do you know what the scholars were at that time?—I do not.

1824. Rev. Dr. WILSON.—I understand there are four widows in the house, is that so!—Oh no, there are no widows at all. The agent of the property, Mr. Rogers, elsewhere will give you full information in reference to that.

1825. Rev. Dr. WILSON.—I wanted to ask who was exercising the right of selecting the widows, but you have noted.

1826. Dr. TRAILE.—We were informed at the School this morning there were three widows in the house at one side, and one widow in the house at the other side.

Dr. O'LEIGHEN.—There are no widows, I put in these women as caretakers.

1827. Rev. Dr. WILSON.—With regard to the appointment of teachers, who appoints them!—(Rev. R. Orr)—The Methodists.

Dr. O'LEIGHEN.—We join issue on that.

1828. Rev. Dr. WILSON.—The Rector is now the manager!—Rev. R. Orr.—Yes, but that is an difficulty, how that has come to pass, how it passed out of my hands.

1829. Dr. TRAILE.—I am afraid you have been asking rather!—I was away, sir.

Mr. MARTIN.—We have settled the point about the scholars, that is clear, it is equally clear about the teacher, "and my will is that my said Trustees hereafter shall be careful in filling up the appointments of teachers to my said schools."

1830. Dr. TRAILE.—Yes, but to select out of the Primitive Wesleyan Society!

Mr. MARTIN.—We are not now on the selection, the question is who was to appoint.

1831. "And my will is that my said Trustees hereafter shall be careful in filling up the appointments of teachers to my said schools, as they are to be chosen from time to time hereafter, out of the members of the Primitive Wesleyan Society, that is in connection with the Society that holds the Primitive Wesleyan Preaching House, Great George's Street, South, Dublin, and that the schoolmaster must be always a leader in said Society, or he cannot be schoolmaster to my said school, and my will is that when a vacancy shall take place from time to time hereafter in the

March 20, 1886.  
Rev. Robert  
Orr.

work-school, the mistress that shall be appointed hereafter must always be a member of the said Primitive Wesleyan Methodist Society, as already mentioned, as none others can draw the allowance for either Schools." The appointment lies with the Rector and Churchwardens in every case, but they are to select, if they can, a member of the Primitive Wesleyan.

*Mr. Martin.*—There is a direction to the Rector as to the class of person he should appoint, but there is no doubt as to his power of appointment.

1823. Who do you say appointed the former teacher?

*Rev. R. Orr.*—As far as I can understand, the appointment was made by the Wesleyans, subject to the approval of the Rector.

1825. If the Rector had the appointment from the Wesleyans, he would have to ask some of the Wesleyans who were proper teachers. The present schoolmaster was appointed in 1837, was that after the Chancery Scheme?

*Mr. Martin.*—I think so.

*Mr. Carroll.*—It was in April I came.

1827. Dr. TRAILL.—The Chancery Scheme was in February. By whom were you appointed?

*Mr. Carroll.*—By the present Bishop, Dr. Stack, he was then Rector of this Parish.

*Rev. R. Orr.*—My difficulty is, having been absent from the place, how the control of the appointment passed from me.

*Mr. Martin.*—Our contention is that you never had it.

1828. Dr. TRAILL.—Your point would rather be how it was the Rector, in making the appointment, did not select Wesleyans.

*Mr. Martin.*—There would be something in that. But I think he has a clear answer, that he could not find any fit person, because if he could he would be bound to appoint him. You said, Mr. Orr, that you did not hear anything about this Chancery Scheme when it was settled, that was in 1837, were you here at that time?

*Rev. R. Orr.*—I am not sure that I was.

1829. Was the Methodist Society a separate body at that time?—I rather think not.

1830. Dr. TRAILL.—Do you mean had the amalgamation taken place then, what was the year of the amalgamation?—Perhaps it was 1878.

*Mr. Martin.*—My impression is it was after that.

*Dr. O'Loughlin.*—1878 was the date of the amalgamation, as well as I remember.

*Rev. R. Orr.*—I can easily find that out, but I am not prepared to say decidedly.

1831. Mr. Martin.—You were not aware that there were any public notices given of this Scheme being settled by the Vice-Chancellor?—I know nothing about that.

*Mr. Martin.*—There was a public notice before the Scheme was settled (produced).

1832. Dr. TRAILL.—This notice states it very fairly:—

"Whereas, under the will of the late Richard Jackson, of Monaghan, proved the 23rd of March, 1834, it was amongst other things directed that two annuities of respectively £55 5s. and £16 10s. should be paid to the Rector and Church Wardens of the Parish of Monaghan in trust for the schoolmaster and schoolmistress of two Schools established by the testator in Monaghan, the schoolmaster to be chosen by the said trustees from amongst the members of the Primitive Wesleyan Society in connection with the Society that holds the Primitive Wesleyan Preaching House in South Great George's-street, Dublin, and the master to be a leader in said Society. And, whereas, the said salaries are now wholly inadequate for the objects intended, and it is also difficult to find a competent teacher willing to set up such excepting the leaders of the said Society, and it has now, therefore, become impracticable to carry out the directions of the testator. Now, the Commissioners of Charitable Donations and Bequests for Ireland hereby give notice that, on the expiration of one month from the date hereof, they will apply to the Court of Chancery, under the 7th section of the 34th and 35th Vict., cap. 102, for a Scheme to

enable the trustees to pay both said annuities to one master, instead of one to a master and the other to a mistress. And, further, in case no competitor comes willing to Wesleyan Society, then that the trustees be enabled to select a master from amongst any other members of said Society."

That is very curious. The Scheme does not say "of the said Society." It says:—

"If the managers can provide a competent schoolmaster or schoolmistress, as they may think most expedient, from amongst the members of the Primitive Wesleyan Society, such person shall be appointed by the managers, but if no such competent person can be procured from the members of such Society, then the managers shall have power to appoint such other person as they may think fit."

*Mr. Martin.*—At the time that notice was published, in 1875, the Primitive Methodists existed as a separate body; but since the Vice-Chancellor came to settle the Scheme it ceased to exist as a separate body.

1833. You can hardly make much of that, because the Managers can provide a competent person from amongst the members of the Primitive Wesleyan Methodist Society, they are to appoint him.

*Mr. Martin.*—You must take us meaning persons who were formerly members of the Society.

1834. Rev. Dr. Wilson.—With regard to this place in George's Street, Dublin, does it still exist in connection with the Methodists?

*Rev. R. Orr.*—Certainly, it is Methodist property and belongs to the United Body.

1835. And you have service there?—Yes.

1836. Dr. TRAILL.—Did it pass under the deed of amalgamation?—Yes, it is under the control of the United Body.

1837. Do you contend at all that under that deed of amalgamation any of the property in Jackson's will passed?—Yes; I should think if the house in George's Street passed, if the little chapel here, their property, passed, why not the other property, of which the Rector and Church Wardens were trustees?

1838. But there is a serious difficulty in the way of that. The property was not vested in the Primitive Methodists at the time.

*Rev. Dr. Wilson.*—The will does not say that the School was the property of the Primitive Methodists.

*Rev. R. Orr.*—How then have we any claim?

1839. Dr. TRAILL.—You have no claim to the property. The only claim is the appointment of the Master and the Widow's Endowment.

*Rev. R. Orr.*—And a claim to our former position. That is all I have to say about the matter.

1840. Mr. Martin.—So far as you know personally, did you ever know either the master or any of the scholars to be appointed by the Primitive Methodist Society?—Yes, by my predecessor.

1841. Whom did they appoint?—Rev. Mr. Keay, who died some years ago in the Episcopalian Church, was, so far as I understand, a leader of the Primitive Wesleyan Society, and was a teacher belonging to a church.

1842. Dr. TRAILL.—The question was not whether the teacher belonged to the Wesleyans, but whether the teacher was appointed by them?—Oh, I think so.

1843. Dr. O'Loughlin.—Was Mr. Keay not a teacher of Jackson's School?—I understand, yes, before my time.

1844. He was one of the under-teachers at the Model School?—I am under a very strong impression that he was a teacher.

*Mr. Rogers.*—Oh, no; he married the niece of the female teacher of the school.

Dr. TRAILL.—Well, Mr. Orr, we are very much obliged to you for your information, and if you find out by inquiry that there is anything more you would like to send me word of, send it to the Secretary at the office in Dublin, and we will be happy to make a note of it for you.

Dr. O'Loughlin.—Mr. Rogers, who is intimately connected with the property, being the agent of it, is here.

*H. Rogers sworn and examined.*

1855. Dr. TRAILE.—Are you the agent over this property—I have been agent for a long time.

1856. Where are the lands?—About two miles from the town of Monaghan, on the Castleblane direction, and on the Dublin road.

1857. Have you a rental of the property here?—but [profundus] is a copy of the last account, ending September, 1889.

1858. Is there any other charge on this property except what is under this will?—No; it is a very small property.

1859. The net property is worth about £750?—Yes, the following statements, none of the tenants went into Court, or applied even for a judicial rent. They sued for an abatement, and acting under the instructions of the Trustees, I allowed them 15 per cent.

1860. This property has been reduced in value from the time of the will?—Yes.

1861. He says here, "the said sum of £84 7s. 6d." that would be very nearly the full rental?—Yes; one of Mr. Jackson's executors showed me a memorandum of his, which showed that he expected in course of time that the property would be worth £100 a year. Well, the quality of the land, or the times and its changes in legislation that have occurred since, will not all warrant that.

1862. This Clause appears to deal with that; by the increase is to be paid to the Monaghan Savings Bank. Was there any accumulated under that?—Yes, there has been a sum accumulated, probably since the widow ceased.

1863. When did the widow cease?—They have died for a considerable number of years, and the successor who was our Rector, the present Bishop, succeeded to have a Scheme formed in accordance with the will to enable the widow to be elected again, but he found the money was not sufficient; there is something between £100 and £120 in the Monaghan Savings Bank.

1864. You simply, as agent, hand the money in to the Commissioners of Charitable Donations and Bequests?—I hand the money for the salaries and the schools to the Charitable Commissioners; the anxiety for the poor I pay to the Rector.

1865. What do you do with the money that is supposed to be paid to the widow?—It goes to the Savings Bank to accumulate.

1866. The direction was not as to the widow's money going to the savings Bank, it was the increase over £24?—There was no increase over that, the widow, that is the female school, was for a long time imperative before the Scheme passed, because no responsible competent female could get to teach it, and besides that there have been changes in society, the work of that School was to make under-clothing and shifts, and things of that kind, that is what they were taught. Now, no one thinks of getting their shifts made, they go to the shops and buy them.

1867. How much is paid to the Schoolmaster now?—To pay to the Commissioners £43 odd.

1868. What does that represent under the will?—£43 8s. 6d.

1869. There is £22 3s. to the Master under the will, and £4 11s. to the Minister?—No, that is for stationery.

1870. How much for the Minister?—£16 12s. 6d. for the minister, that is £43 8s. 6d., I pay that annually to the Commissioners of Charitable Bequests.

1871. And they pay the salary to the Rector?—That is under the Chancery Scheme.

1872. Then the Chancery Scheme did not deal with anything except the educational Endowment?—No, Mr. McDonnell, who was the Secretary of the Commissioners, and the Bishop went frequently over the figures to see could they have even two widows supported, because they thought two would be enough, if we intended to have six, but the accommodation is very confined.

1873. How is there a surplus in the hands of the Charitable Requests Commissioners?

Dr. O'Loughlin.—Two sums of £5 a year under the will for repairs.

1874. Dr. TRAILE.—Do you mean under Mr. Jackson's will?

Dr. O'Loughlin.—There is £5 under Mr. Jackson's will, and £5 under Mrs. Jackson's.

Mr. Rogers.—That is paid off other property.

1875. Dr. TRAILE.—Who pays that now?

Mr. Rogers.—That is charged on property in the Barony of Cessford, in this County, it is owned by Mr. William McKane, one-third, and the Representatives of James Alexander Ross of this town own another one-third.

1876. To whom is that paid?—The Commissioners of Charitable Donations and Bequests.

1877. How much is it now?

Dr. O'Loughlin.—£5.

1878. What becomes of all her other trusts, £15 each year, and yearly for ever to be paid into the hands of the Ministers and Churchwardens?

Dr. O'Loughlin.—That is paid to me, and I distribute it at Christmas, by Mr. Rogers.

1879. There is no sum for the poor under his will?

Mr. O'Loughlin.—Oh, yes, there is, there are certain sums which now are paid in to the Commissioners of Charitable Bequests.

Mr. Rogers.—That is off other property.

1879. Dr. TRAILE.—"I also leave and bequeath to the poor of the parish of Monaghan the sum of £15 sterling annually, to be paid off the said lands."

Mr. Rogers.—That is £15 that I pay to the Rector.

1871. That does not go through the hands of the Charitable Bequests Commissioners at all?—No.

1872. You get £15 under one will, and £15 under the other?

Dr. O'Loughlin.—I do not.

1873. You are entitled to it.

Dr. O'Loughlin.—Then I don't get it, I know it has got very much smaller than it used to be. It is a capitalised sum.

1874. Not at all, she says: "I leave and bequeath to the poor of the parishes of Monaghan and Clones the sum of £15 each, per annum, year and yearly for ever to be paid into the hands of the Ministers and Churchwardens of each parish respectively for the time being, their receipt alone to be a sufficient discharge for the same, and to whom I commit the distribution thereof."

Dr. O'Loughlin.—I get £11 7s. 6d. from the Commissioners, but it is a capitalised sum of money; it does not come from the land at all; there is a sum of £700 odd, and £600 odd, which they have capitalised, and then there is more money, and they pay twice a year the interest on the money.

1875. Dr. TRAILE.—There is £500 and £300 to be given out separately on interest upon approved securities, in the names of the Rector, Curate, and Churchwardens of the parishes for the respective charities. I think you ought to apply to the Commissioners of Charitable Donations and Bequests to look after the whole of that for you.

Dr. O'Loughlin.—Most decidedly.

1876. And, besides, the curious thing is that it is not a charge upon the property at all, but she leaves to the Rector, Curate, and Churchwardens the sum of £500, and the sum of £300.

Dr. O'Loughlin.—That money is all right I am certain, that is the money that is capitalised; I get the interest of it from the Commissioners of Charitable Donations and Bequests. I believe there is a direction made to invest that at five per cent, with the consent of the Governors of the Monaghan Infirmary. It was invested by the Rector and Churchwardens, or in case there was a doubtful security, there should be a

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H. Rogers.

Mr. A. M. ROGERS  
H. Rogers

majority of the Governors of the Infirmary to invest it. That money was handed over to the Commissioners.

1877. Then they reduced the interest considerably.

Dr. O'LEIGHEN.—They did at once, but I am

nearly certain I can trace it in the interest I get.

1878. It seems by her will she left £15 to the poor of these parishes, independent of the £500 and £300, she entirely approved of the will first of all, and then makes the codicil; it is in the codicil she leaves the £500 and £300, you ought to look that matter up.

Mr. Rogers.—There is one matter with regard to the appointment of the teacher, I don't recollect when the second previous teacher to the present master was appointed, but I always understood that he had been appointed by Mr. Midlett, the former Rector. And after that there was a man for a short time, who, if I mistake not, was a Presbyterian, and he was appointed by Dr. Bailey, who was the predecessor of the Bishop. And at the time the Scheme was passed there was an advertisement published by the Bishop for a master, and Mr. Carr objected—he was then the Secretary of the South Great George's Street House, or whatever his title was, he was the Methodist clergyman. He objected to this advertisement because it did not state distinctly enough that the teacher should be a Primitive Methodist, and the Bishop had appointed the present master, and Mr. McDonnell, who was the Secretary of the Commissioners of Charitable Donations and Bequests, took up the master, and made a suggestion that the office should be declared vacant, and a new advertisement inserted, and ample time given for answers, and that was done, and the only candidate was the present master.

1879. Dr. TRAILE.—There was no candidate came forward from the Primitive Methodist body!—No candidate came forward, and Mr. Carr himself was sent copies of the advertisement.

Rev. Dr. WILSON.—That was all that could be done.

1880. Dr. TRAILE.—Have you, Mr. Orr, any system of special preparation of teachers for your Church?

Rev. R. ORR.—Oh, certainly, our teachers under the National Board are trained at Marlboro' Street.

1881. You have no separate training establishment of your own?—No.

1882. Is there anybody else wishes to give any further evidence?

Mr. MARTIN.—I think, sir, you have now heard all that is to be said on the subject.

Rev. Dr. WILSON.—We will report to the full Commission.

Mr. MARTIN, at the request of Dr. Traile, recapitulated his objection to the Commissioners framing a Scheme; namely, that the Charity is exempt; that it has already been settled by the Chancery Scheme; and that it is mixed educational and non-educational, and the larger part is non-educational.

1883. Dr. TRAILE.—Out of the £54 how much is for education?

Mr. ROGERS.—£43 3s. Id.

1884. The majority is educational, and that brings it within our jurisdiction as far as that is concerned.

Rev. R. ORR.—According to the will we have something more than just the right of being appointed.

1885. Dr. TRAILE.—You have the choice of the widows.

Rev. R. ORR.—That is one half of the business.

1886. £25 15s. would be the proportion of the widows; have you any widows you could appoint?

Rev. R. ORR.—I am not sure, I am taken by surprise.

1887. Well, look into the matter and write to me.

Dr. O'LEIGHEN.—If the widows are entitled to £25 15s., and then to the poor of Monaghan there are two sums of £15, the other part of the Charity is greater than the part that is limited to education.

1888. Dr. TRAILE.—The majority is educational, so your claim of exemption won't hold on that ground, though it may hold on the two other points. I want to take down Mr. Orr's special points. Where can we

get a copy of the Deed by which the property of the Primitive Wesleyans was transferred to the Wesleyans Methodists?

Rev. R. ORR.—That would be easily got from the authorities in Dublin; Dr. McMullen will set that right.

1889. Would you kindly concurse with Dr. McMullen, and tell him we would like to see in our office a copy of the Deed?

Mr. MARTIN.—I cannot exactly understand what Mr. Orr's point is with regard to this Deed would have.

1890. Dr. TRAILE.—It has a great bearing on the Alma House question.

Mr. MARTIN.—But that is outside your inquiry.

1891. Dr. TRAILE.—No, when the Endowment is partly Educational and partly Non-Educational, and the Educational portion more than half of the whole, we can deal with the whole of it, and we can put in Non-Educational clauses in the Scheme.

Mr. MARTIN.—That is a matter I have not gone into at all.

1892. In our Act, Non-Educational Endowments, when less than half of the whole Endowment, are directly under our jurisdiction, but even when they are not under our jurisdiction, we can, when we are drawing a Scheme, with the consent of all parties, provide clauses dealing with an Endowment like those of Alma Houses. In St. Mary's, Cork, nearly half the Endowment was for Alma Houses, but the difference was that the Alma Houses there were under the control of the Church of Ireland along with the Educational Endowment. Here, the appointment of the Alma House appears to be in another body, in the Methodist body. One of the questions we must reserve for Lord Justice FitzGibbon and Judge O'Brien is whether, you having amalgamated with the Wesleyan Methodists and transferred your property to them by deed, under that document your control over the appointment of the widows still holds, and I suppose whatever legal decision they give on the matter you will agree to abide by, as Lord Justice FitzGibbon himself is one of the highest authorities in Ireland.

Mr. MARTIN.—Then Mr. Orr's point would also entirely to the Widows' Houses?

1893. It practically would, because he does so contend, and could not contend, that the property of this trust passed to the Wesleyans. The most he could contend would be that from the Wesleyans the Master and Mistress should still be selected if it was any practical advantage to them.

Mr. MARTIN.—In dealing with this Scheme, a taking what is educational and non-educational, will you not take into account the buildings themselves?

1894. They are not worth anything—they are sources of expense. If we did take into account buildings, they are as much educational as non-educational.

Dr. O'LEIGHEN.—I would desire to bring up your notice that the money for the keeping of the edifice in repair is to be confined to the School by the conditions of the will. By Margaret Jackson it is for keeping the School-house in repair.

1895. Dr. TRAILE.—In his will is there any provision for repairs?

Dr. O'LEIGHEN.—I am not sure.

Mr. MARTIN.—You have it also that the accumulation of money in the Savings Bank appears to belong exclusively to the Widows' House.

Mr. ROGERS.—Oh, no.

1896. Dr. TRAILE.—The increase is to be paid into the Savings Bank to keep a sum to the good for repairing the said Schools and Widows' House. Both the School and the Widows' House are to be maintained out of the surplus; but there is no surplus in the Savings Bank, because the surplus there now is not the increase above the £54 mentioned in the will, but is an accumulation that should have gone to the widows.

Mr. ROGERS.—And a portion of it is there for years, when the Work School was inoperative.

1887. Dr. TRAILL.—None of it represents an increase over £50, therefore it has no business to be in the Savings Bank. As a matter of fact, to your knowledge, are there any widows of any denomination that, if you had the appointment of them, you could turn to this Alms House? You are not bound to leave the widows Methodists; it says the widows are to be chosen by the Primitive Methodists. Are there, as a matter of fact, any widows in the congregation that, if you had the appointment to make that minute, you would put your finger on and say—"I would nominate those to the Alms House"?

Rev. R. Orr.—I could not say that exactly, but I rather think I could. Is it confined to Methodists by the will? You know our Teachers were not confined.

1888. I will read the Clause again—"I also leave and bequeath to my Widows' House the sum of £15 10s. sterling yearly, to be paid out of said Land of Tertius and Ambigentulus, to be paid to six poor Widows." That is all it says.

Rev. R. Orr.—I don't think we would have any difficulty in providing the widows.

Mr. Regan.—I would beg you to recollect that there are two points in dealing with the widows: first is, that the accommodation is too confined for six—six undoubtably lived in it for a number of years, but the two rooms, which held three each, are very small. Another point is, that these are not sufficient funds to support the widows. If these tenants that are now a letting went into the Land Court and get the present reductions that are being given by the Subsidies, it would keep you busy paying.

1889. Dr. TRAILL.—The only effect would be that, I suppose, can be found for all the things mentioned in the will, a reduction in the Land Court would make a proportionate reduction all round; of course, if you could find there are no widows, that would make a difference. But if there are widows they would have the same claim, there is no priority given to one claim over the others.

Mr. Martin.—You have taken my point, there are no leaders and preachers of the Monaghan Circuit of the Primitive Methodist Society.

Rev. R. Orr.—Oh, yes; but I claim that we are just the very same as before the change took place.

1890. Dr. TRAILL.—I think it is a pity when you went into the Court of Chancery you did not get a document to deal with all the charities.

Mr. Martin.—I have just got a document here from which it appears that the widows were dealt with by a scheme.

1891. Dr. TRAILL.—It is rather late in the day to give that.

Mr. Martin.—I was not aware you were dealing with the widows before.

1892. Dr. TRAILL reads—

"Whereas by the will of Richard Jackson, passed March 2nd, 1884, and of Margaret Jackson, proved August 14th, 1884, a School and Almshouse were founded in Monaghan, and the Almshouse was endowed with £25 10s. yearly, for six widows, and an annuity of £5 was left to assist in providing clothing for them, and also two annuities of £5 each for repairs; and whereas, owing to the increased cost of provisions and other articles, it is now impracticable to maintain so many as six widows. And whereas the Rector of Monaghan, and the leaders of the Primitive Wesleyan Society have stated that the charitable intentions of the said Richard and Margaret Jackson would be more effectually carried out by reducing the number of widows, and giving to each a larger sum for maintenance. Now, the Commissioners of Charitable Distributions and Requests for Ireland, after due inquiry, and in pursuance of the provisions of the Act, 30 & 31 Vict., cap. 54, and of the 7th section thereof, have, subject however, to any objections which may be laid before them, ordered and adjudged that the application nearest and most conformable to the directions and intention of both the testators is—(1st) That for the present only two widows should be named, receiving each £5 weekly. (2nd) That each of the widows shall further receive £1 10s. yearly to assist in procuring clothing. (3rd) That the balances remaining out of the two annuities, namely, that for the Almshouse, and that for providing clothing, should be lodged with the Commissioners of Charitable Distributions and Requests for Ireland, and by them accumulated until the income of the charity, and of the accumulation, may be sufficient to provide for the maintenance of a third widow at the £5 rate. (4th) That the Trustees, with the consent of the Commissioners, may then either appoint a third widow, or increase the payments of the £5. (5th) That so much of the two annuities of £5 each as may not be required for the repairs of the School, may be applied to the repairs of the Almshouse."

What was the date of that?

Mr. Martin.—June, 1880.

Dr. O'Leary.—That has never been acted upon. I did not expect that the inquiry would result in this.

Mr. Martin.—If you get the length of deciding hereafter that you would form a Scheme that would deal with this Widows' House and School, then I would ask that you would give us another opportunity of being heard.

1893. Dr. TRAILL.—Don't take me as saying that we could compromisedly deal with the Almshouse, the Judges may declare the whole thing to be exempt as regards the Educational Endowment. If they declare the Educational Endowment within our jurisdiction, we are going to frame a Scheme, then it would seem to us that if you could agree on a plan that would bring the non-Educational Endowment into the Scheme it would be better. Owing to the fact that we have held our inquiry before the 31st March, we have now up to the end of the year for the framing of a Scheme.

The Inquiry then concluded.

## PUBLIC SITTING—WEDNESDAY, MARCH 29, 1893.

At the Schoolhouse, Cahiragh.

Present:—A. TRAILL, Esq., LL.D., M.D., F.R.C.P.; Rev. H. R. WILSON, D.D., Assistant Commissioner. The Assistant Secretary, F. REDMOND, B.A., was in attendance.

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H. Riggs.

## THE CABRAGH SCHOOL AND MCREIGHT ENDOWMENT.

H. Harris, Esq., Solicitor, appeared for Mrs. Anne McCreight.

Dr. TRAILL made an opening statement.

1894. Dr. TRAILL.—I had better read the will of Mr. Andrew McCreight, from which this Endowment dates.

Mr. H. J. Harris, Solicitor.—I think they all know it, sir; I have handed them each a copy of it.

1895. As my recollection the material part is—

"Whereas it is my intention and desire to establish a Daily and Sunday School in the said town of Cahiragh for

ever for the education of the children of the poor, gratis, and for their instruction in religious knowledge, particularly in the Holy Scriptures . . . I direct, and it is my will that my said trustees and the survivors of them and his heirs shall for that purpose stand seized and possessed of the Schoolhouse and of the half acre of ground in Cahiragh aforesaid, wherein the Schoolhouse now stands, and which has heretofore been held with it, and shall out of the rents, issues, and profits of all said lands annually apply £20 a

**1900. Mr. HARRIS.** year forever is keeping up, repairing or building, and in supporting such Day and Sunday School at Coleraine, and in purchasing Bibles and such other books as may be necessary for said School, and also is paying a yearly salary to each proper, pious schoolmaster as aforesaid, and to his successors, such proper, pious and faithful schoolmasters at Coleraine School for ever . . . I appoint the said Andrew McCraight and the said Thomas Crawford executors of this my will."

Then he says at the end, after giving legacies of £100 to the different Societies—

"That my said trustees, when I also appoint executors of my will, shall place at interest the sum of £100 sterling, the interest whereof is to be forever applied to the support and maintenance of a Sunday School at Clane, in the Co. of Armagh, where I have had one, and to the support of a schoolmaster to teach the same, and I hope care will be taken to have a pious teacher for the same."

The only reason why we are making this inquiry rather suddenly at the end of the time is that our Commission winds up, as far as the Act of Parliament is concerned, on the 31st of March; and, although it will be extended by the Lord Lieutenant to the end of the year, it will only be for the purpose of finishing such schemes as we have taken up before the 31st March, as we had to ascertain to-day or not at all if there is any necessity for a Scheme.

**Mr. HARRIS.**—So far as I can make out the treasury here, who are more interested in this Endowment than anybody else, don't wish the Endowment interfered with at all; all they want is that the School here should be a good School, and continued as heretofore. They are dissatisfied with the teacher; it may be that they would like to be under the National Board.

**1906. Dr. TRAILL.**—Our action is not for the purpose of upsetting you or doing you harm, but to facilitate your work, and get you as much liberty as you like, to go under the National Board.

**Rev. Dr. WILSON.**—We could give you power to go under the National Board.

**Mr. HARRIS.**—We did not know about that; we thought perhaps you might want to take away the Endowment from the people here.

**Rev. Dr. WILSON.**—We want to carry out the will. In the case of Rathmines in Dublin, where they were under restrictions, because it was a Scriptural School, they are getting a Scheme from us, and getting power to be connected with the National Board.

**1907. Dr. TRAILL.**—I think we will examine Dr. MacLaurin. Are you not manager of the School?

**Dr. MACLAURIN.**—No, there is no manager, I am the Factor of the parish.

**1908. Who appoints the schoolmaster?**

**Mr. HARRIS.**—The schoolmaster was appointed by my predecessor, who was the agent of the present owner of the estate, Mrs. McCraight. He was a schoolmaster called William Johnson, he was here for a number of years and on his death his daughter was appointed; I have been only two years agent, and know almost nothing about the management.

**1909. Who represents the owner now?**

**Mr. HARRIS.**—I do, I am the agent, 1916. Who is the owner?

**Mr. HARRIS.**—Mrs. Mary Ann McCraight, of Warrenpoint, widow of the late Andrew McCraight.

**1911. Is there any question about this being open to all denominations, or is it entirely a Church School?**

**Mr. HARRIS.**—I would say it is entirely a Church School. As I understand there was a Commission held here in 1858, Dr. MacLaurin read it in the Bluebook in the Library at Armagh, but he did not think of bringing it here.

**Dr. MACLAURIN.**—I was to long at the Bluebook in the Library at Armagh, and it appears that in 1858 Reading, Writing, Grammar, Geography, Arithmetic, Measurement and Book-keeping, Holy Scriptures and the Church Catechism were all taught in this school, the number on the roll was 60, and the average attendance was 30, and there is an extract from the Will appended in the Bluebook, which says "the schoolmaster ought to be a pious man and capable of preaching."

**1912. Dr. TRAILL.**—These are the very words here "enforced upon them by the schoolmaster or teacher who must be a pious man and capable of preaching." Is the Schoolmaster here?

**Mr. HARRIS.**—Mrs. Milligan is the school teacher.

**1913.** I think we had better take her evidence about the state of the school. What are the numbers in the school?

**Mrs. MILLIGAN.**—29 on the roll.

**1914.** What is the average attendance?—Some days 15 and some days 12, there is a very bad attendance about here.

**1915.** Are you a trained teacher?—I am not, but Mr. McCraight put me in after my father died.

**1916.** What was your father's name?—William Johnson.

**Mr. HARRIS.**—I think the reason she was put in was that she was to qualify to become a trained teacher, but she got married, and I think that rather put an end to the qualifying.

**1917. Dr. TRAILL.**—How long is it since you came in?—**(Mrs. MILLIGAN.)**—My father will be fourscore on the 9th August, and I was teaching a year before he died.

**1918.** Is there any other school within reach of you?—Tannamore and Tandragee.

**1919.** What is the nearest school?—Tannamore, about three quarters of a mile from here.

**1920.** Whom is it under?—Under the National Board.

**1921. Who is the manager?**

**Mr. HARRIS.**—Mr. Sinton, a layman.

**Mr. R. SINTON,** a parishioner.—There would be plenty of children to attend here if there was a teacher. What is the use of their coming if there is no teacher?

**1922. Dr. TRAILL.**—I do not think, with all respect to the teacher at present, that she is carrying out the terms of the will. The teacher is to be a pious man. I am not saying that you are not pious, but you are not a man.

**Mr. SINTON.**—There could be a fine school here.

**Robert Sinton.**

**Robert Sinton examined.**

**1923. Dr. TRAILL.**—Have you any children yourself?—Yes, sir.

1924. Of an age to go to school?—I have one going only now; but these last ten years back I had to send them to other places.

1925. How many children do you think there are in the neighbourhood that would come here if there was a good teacher?—There could be any amount of children raised here. There could be a good school raised here.

1926. If it was put under the National Board?—As it is, and the salary for it. If there was a competent teacher here there would be plenty of children to come.

1927. Under the will it should be a male teacher, and there is no reason it should not be put under the National School, because, although it says the teaching is to be in religious knowledge and in the Holy Scriptures, that could be done under the National Board.

**(A Female Parishioner.)**—Any other than the National School dwindles away in a while.

1928. Dr. TRAILL.—Have you children, too?—Yes, I am sending one to Tandragee, and he is a better scholar at eight years old than my five sons, who are all at business in Belfast, and weighty business.

MARCH 22, 1893.  
Robert Streat.

Mr. Streat.—Tannamore School is in a thickly populated part of the country, and there is no use in going there from this. It is a small School with Laurel Vale Factory, and this is more than two miles from any School.

1930. Dr. TRAILL.—You think this is the most convenient place for a good school?—It is very much insisted.

1930. Do you live on the premises?

Mr. McEwan.—Yes, sir.

1931. And your husband with you?—Yes.

1932. What is your occupation?

Mr. McEwan.—A carpenter.

1933. Did you come into the premises to her, or had many premises of your own?—No.

1934. Had you no premises of your own?—No.

1935. I suppose you could set up for yourself if you liked?—I could surely.

Rev. W. M'Endoo.—Suppose you gave powers to put School under the National Board, in what position will that put Mrs. McCreight and her representative with regard to the control of the School?

1936. Dr. TRAILL.—It won't make any difference. Who has the appointment of the master at present?

Mr. Harris.—Mrs. McCreight.

Rev. Dr. MacLaurin.—I suppose Mr. Harris could be manager of the School?

1937. Dr. TRAILL.—Oh yes; we could carry out a scheme that would be agreeable to you.

Mr. Harris.—I would greatly prefer to put it in hands of the clergyman of the parish.

1938. Dr. TRAILL.—Suppose we draw a Scheme on lines of this will, and appoint the clergyman of the parish manager so long as he is willing to act, and do his best to put the School under the National Board, and make no change except to allow them to get a good efficient teacher. What money do you pay?

Mr. Harris.—£46 3s. 1d.

1939. The £50 is to keep up and repair the Sunday and Daily School!

Mr. Harris.—They have to buy books; so the £50 money could not go to the salary. It would be better to appoint a small governing body.

1940. Have you any Church Wardens or Vestrymen who you would like associated with you, you would like to be the Manager.

Dr. MacLaurin.—There are some of my parishioners round here.

Rev. Mr. M'Endoo.—I should explain to you the men here; this is in Mullinbrook parish, but it is near Tandridge, and the people here are all Church people, and come to Tandridge Church.

1941. Dr. TRAILL.—Are they parishioners of Mullinbrook?

Rev. Mr. M'Endoo.—Yes.

1942. Is this a long distance from you?

Dr. MacLaurin.—It is. There is nothing almost inland requires re-arrangement more than some of the parishes. My parish comes within a mile of Tandridge, and people living here won't go three

miles to Mullanbrook, when they can go into Tandridge, they are accustomed to go into Tandridge for the doctor and markets.

1943. With whom would you wish to be associated, as the Governing Body?

Dr. MacLaurin.—I would like to have Mr. McEwan.

1944. And you will still be manager as Rector of the parish?—Yes.

1945. Is there any other suggestion you would make, have you any Church Wardens or Select Vestrymen?—Sometimes the Church Wardens would be near, and sometimes more distant, there is Mr. Robert Streat, for instance.

Rev. Mr. M'Endoo.—Suppose it is not put under the National Board, suppose they cannot raise the number of children, these people talk about children, but I know the country better than they do, suppose there is not a qualifying number of children, there should be some provision made.

1946. Dr. TRAILL.—We only give you power to go under the National Board, it won't alter the other arrangements. Dr. Wilson here, is one of the Commissioners of National Education. The money will be more valuable when you have it under the National Board, because you can devote it to prizes.

Mr. Harris.—It would be a Non-Vested School of course.

Dr. MacLaurin.—My idea about this School always has been, that it was a pity it was not put under the National Board, and then with the aid from the National Board, we could command a very good teacher, and we would have a very good School, there is a radius of from one and a-half to two miles, that forms a circle of perhaps nine miles round.

1947. Dr. TRAILL.—As far as I could give you advice in the meantime, my first suggestion would be, especially to Mr. Harris, who is responsible, or the persons whom he represents are responsible for the present state of affairs, that to carry out this will, you must appoint a schoolmaster, giving reasonable notice, or compensation, if you like, to the present mistress. We will draw a scheme for you, and frame it on the lines on which we have framed a great many like this. We will put on the clergyman of the parish, and the clergyman of the adjoining parish, making the clergyman of the parish the Manager in the first instance, and if at any time he did not choose to act, the clergyman of Tandridge might be put on, but considering the distance both clergymen live, you, of course, or someone named by Mrs. McCreight, would be on; besides the clergymen, some persons who would take an interest in the neighbourhood, some of the farmers round, should be selected. Generally we put on some of the Church Wardens or Select Vestry, but you may see some might live too far away.

Dr. MacLaurin.—The Select Vestry does not live this side at all, this is within one and a-half miles of Tandridge.

The inquiry then concluded.

## PUBLIC SITTING—SATURDAY, JULY 1, 1893.

At the Office, 25 Nassau Street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERALD, Judicial Commissioner; and ANTHONY TRAHL,  
Esq., LL.B., M.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

The Acting Secretary, F. REDMOND, B.A., was in attendance.

## SCHEME No. 151.—RATHMINES TOWNSHIP SUNDAY AND DAILY SCHOOLS.

## OBJECTIONS AND AMENDMENTS.

The following were present:—Rev. S. M. HARRIS, M.A.; J. E. ORR, Esq., M.A., M.R.C.P.; G. T. B. FENNER,  
Esq., M.A.; Rev. F. SMITH, Hon. Sec.; Rev. J. M. HAMILTON, M.A.

1943. Lord Justice FITZGERALD.—As is usual in such cases, we have appointed this Public Sitting to consider the objections and amendments to the Draft Scheme, and at this stage, although the responsibility for whatever is done rests on the Judicial Commissioners, our colleagues always assist us. I am in a position to deal with this case as a purely Protestant one, from the circumstances of the foundation. The Rathmines Township Sunday and Daily Schools were founded in 1852, under a resolution, which stated that.

"It had occurred to many of the Protestant inhabitants of the township of Rathmines that that populous and improving township required provision to be made for the religious and secular education of the children of the township and neighbourhood more proportionate to their wants than the Schools then in existence supplied."

I believe there never has been any contribution to these Schools from any Roman Catholic source, and the terms of the original resolution contemplate a Protestant School. The original rules are to the same effect, Rule 15—

"That the Trustees shall not have the power at any time to connect the Schools with any Society whatever which would restrict the free use and circulation among the scholars of the Holy Scriptures, and the Trustees shall, on the contrary, uphold by every means in their power the Scriptural character on which the Schools have been originated, and which it is the special object and purport of this deed to perpetuate."

Each Trustee was to sign a declaration of his

"desire to extend the blessing of Religious Education to all classes, and to see the Holy Scripture in the hand of all that are able to hear them,"

and of his

"determination to maintain the Scriptural Protestant principles on which the said Schools were established."

These words show that this is a purely Protestant Institution, but one to which all persons adopting Scriptural Protestant principles were equally expected to contribute, and they were equally entitled to share both in the management of the Schools and in the benefits connected therewith, as pupils and otherwise. These Schools have met the ordinary fate of almost all schools set up in opposition to the National system of education; the vast majority of the children have gone to the National Schools which have larger means and offer greater advantages. It was proved to us, in the course of the inquiry, that a great number of the Protestant children of the immediate neighbourhood of these Schools go either to Dr. NELIGAN'S National School, which is about a mile off, or they go even further, to Kildare Place; all the Presbyterian children go to other schools, whether to Kildare Place or not I am not aware, for these have been no Presbyterian children on the roll for a long time. But the history of the Schools shows that the buildings were originally acquired by public subscrip-

tion, and the subscribers belonged to different denominations of Protestants.

Dr. FENNER.—A few—not a great number.

1943. Lord Justice FITZGERALD.—The largest subscriber mentioned was Mr. Perner, who was a Moravian; he gave £10 a year. The fundamental principle was education upon general Scriptural Protestant principles, as distinguished from those belonging to any particular denomination. But like many schools of the kind, the Schools have fallen practically into the hands of one denomination. They would have been closed long ago, as far as I can see, but for their having been adopted as a sort of Parochial School in connection with the Rathmines Parish Church, and the buildings, which are not now in very good repair, have been used for purposes in connection with the Church who did not want the school purposes. They were from the first both Sunday and Day Schools, and they soon became the Sunday School of the Parish Church. Though this is a case over which the Commission might have compulsory jurisdiction, we would not deal with the Schools against the will of those who have had the place in their hands, and have maintained the Schools for many years past, for the case which, I am sure, will command itself to everybody, that if we were to try to act against the will of those who are maintaining the Schools now, the only result would be to deprive them of whatever support they have, and leave no means to carry them on. This is no property but the buildings, the Schools owe money to the Treasurer, and they are wholly depending on subscriptions.

Mr. J. P. SMITH.—They are not in debt now.

1943. Lord Justice FITZGERALD.—I am glad to hear that you have got out of debt, but you have an income except what you get from your subscribers. The original proposal of the Committee, when they applied for a Scheme, appeared to us to do what Mr. HAMILTON imagines we have done, to make this School the property of one denomination. When we discussed the matter in November last, we were of opinion that we could not do that; that the claim which the Rathmines Congregation have on the buildings and Schools is the claim of subscribers, because they have been maintaining the Schools with their money, they have got possession of them; but it is only by virtue of their right as subscribers that we could give them any beneficial right to the School in the future. Accordingly, we put in a provision that if the Congregation of Trinity Church subscribed certain sums of money, they should in return not merely vote with the general body of subscribers, but should have ex-officio representation on the Governing Body. After some discussion, the terms which seemed to command themselves to those who were here on the last occasion were that they should contribute £20.

Dr. TRAHL.—£20.

Lord Justice FITZGERALD.—The contribution was reduced to £10 in the Draft Scheme, as the official

question in respect of which the Vestrymen were in fact two Governors, and all subscribers exercising their privileges they have at present were to have the election of certain other Governors. In the course of the sitting it was discussed whether the number of Governors should be nine or eleven, and it is now to be considered which would be the better number. We have got certain amendments proposed by the Committee, which are all, I think, amendments to which we have no objection. They want to put in what may, to some extent, meet Mr. Hamilton's objection; they want to declare expressly that each Governor shall be a member of some Protestant denomination. They do not suggest any unwillingness to receive subscriptions from any such denomination, and to give representation in return. The other amendments are formal and unobjectionable, and we did not waste time over them. But we have also got an objection from Mr. Hamilton, who is "invited by the Presbytery of Dublin to object to Scheme 181, for the future government of the Bushmills Sunday and Daily Schools. These Schools were erected by the subscriptions of persons of various denominations, some of whom were Presbyterians; of the five original Trustees, one was a Presbyterian and two Methodists. The Presbytery objects to this Scheme because it proposes to make those Schools the exclusive property of one denomination." The Scheme does not propose to make the Schools the exclusive property of one denomination, but it is only fair to what is matter-of-fact at present, that is the effect so long as the great body of subscribers remain of the denomination. If subscribers came forward from other denominations to a sufficient amount, they could get a certain number of Governors. But as the Scheme is now framed, the subscribers could never be more than four representatives.

Mr. Forster.—They would always be in a minority.

1861. Lord Justice PRINGLE.—They would always be in a minority, so long as the congregation continued to subscribe £10, and that does seem rather a heavy representation for the £10 a year, and we would be glad to consider any modification that would commend itself to you all with a view of meeting that objection. We should be glad now to hear Mr. Hamilton; I don't know whether he has seen the evidence that we took on the subject. The substance of it, in addition to proving what I have already mentioned, was that the Schools cannot be officially carried on without joining the National Board, and the first question was whether we could allow them, consistently with the special trust, to join the National System; we had a particular case in point, in the Nicholson Schools, Limerick, with this pleasant difference in favour of the present instance, that the Nicholson Scheme was bitterly opposed by some of those who represented the original funders. Here all want the change. We made a revision in the case of the Nicholson Schools which singularly secured daily Scriptural education for all children willing to receive it, but enabled the Schools to take a National Board grant. In other words, we treated Scriptural teaching as a thing not to be mixed up with arithmetic or spelling, but nevertheless to be given daily in accordance with the rules of the National Board as to religious teaching. Of course in National Schools, they must be "open" to the children of all denominations, but many institutions are "open" to people who never go into them, and there really no difference between the religious education which may be given in National Schools from that given in other schools, where the schools are exclusively attended by children of one denomination. National Schools now equally include Roman Catholic schools, Convent and Monastery schools, old Church Mission schools, and Presbyterian schools, and where the attendance is denominational religious education is effectively given to all the pupils. We would wish to call Mr. Hamilton's attention to the evidence as to the present condition of the School, that

although under the deed it is open to all Protestant denominations, yet for many years it has been practically connected with the Congregation of Trinity Church, Rathmines, and an exclusively Church School in fact.

Mr. Forster.—I should have said from the very commencement.

1862. Lord Justice PRINGLE.—I may read the evidence\* we have.

"There are no members of any other religious denomination, now connected with the Committee. I believe there is not a single Presbyterian pupil, and practically the schoolhouse is used for all parochial purposes in connection with Trinity Church, Rathmines."

But when Mr. Smeath proposed these ex-officio Governors Dr. Wilson asked—

(Q. 375) "If you are about to do this to your Trinity Church have you consulted the representatives of the original subscribers?"

The answer was that virtually all the present subscribers are members of Trinity Church. Dr. Wilson asked about the original subscribers, and it was said that they were dead, and their representatives could not be found. Then I said—

(Q. 380) "They must represent themselves by subscribing money, the annual subscriptions are your income, and you have no accumulated funds."

Every opportunity should be given of hearing the views of anyone who represents the original subscribers, and the objection of Mr. Hamilton is very much in that position. I should be glad to make these Schools what they originally were intended to be, Schools thoroughly available for Protestant pupils of all denominations in Rathmines, and to do that without alienating the support of the Congregation that has supported them so long. I may mention one or two more or less analogous cases: the Methodist Female Orphan School was not originally connected with any Methodist Congregation except by a provision that the children should attend a Methodist Meeting-house on Sunday afternoon, but they were to attend in the morning at the Parish Church. The Orphanage, having got a donation of £1,000, ultimately came to be connected with the Centenary Methodist Church in St. Stephen's Green, and for many years was supported by that Congregation. We heard the Rector, who objected to perpetuating this connection, but we nevertheless gave him no locus standi on the Governing Body, as he had no subscriptions to qualify him, and ultimately he accepted the Scheme, which passed as it was. There were one or two cases in Belfast where schools, generally having some endowment given by a member of the congregation, had been taken up by a particular Congregation. In those cases we confirmed and perpetuated the connection of the Congregation with the schools, as offering the best chance of carrying them on. We shall now hear what Dr. Hamilton may wish to put forward in the way of a proposal to meet this particular case.

Dr. Forster.—And the ground of his proposal and the extent of his claim.

Rev. Mr. Hamilton.—I had not heard anything of this Scheme until my attention was called to it by some of the inhabitants of Rathmines and Rathgar, and I then, as was my duty, brought it before the Presbytery, and we ascertained that a number of the members of our Church constituted very largely to the building of these Schools, and also subscribed to the Schools. Their object was that a good educational institution should be provided for the township of Rathmines not connected with any one denomination of Protestants, but available for all the Protestants of the district. It was felt to be very necessary that some such institution should be provided in the circumstances in which Rathmines was then placed, and when the matter was brought before the Presbytery, and the Scheme was considered, it seemed to us that whilst nominally you may not say it is to be connected with the

\* *Ibidem*, p. 44, Q. 375, Dr. Vassall.

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Episcopal Church definitely, will practically the Board of Governors that you propose will make it an Episcopalian institution, entirely and exclusively under the control of one Congregation in that township, the Congregation that, perhaps, in proportion to its numbers and to its means, gives less than one of the other Congregations. One of the Trustees, Mr. Drury, was for many years one of the leading members of the Presbyterian Church in the city, and from my knowledge of him, and of his children, I may say that it never was his intention to give money to the building of an institution that was to be exclusively in the possession of the Episcopalian Church, and his design, of course, was that it should be for the benefit of all the Protestants of the district. I may say, also, from my own acquaintance with Mr. Purser, that his was the same idea, because on the very last occasion that I had the pleasure of conversing with him, he expressed his regret that the Rathmines School had not been so successful as he desired, and that it had not attracted the children of the district as he hoped when he gave his money for the erection of the School. The Presbytery of Dublin feel that we have a right to something like the same opportunity of appointing ex-officio governors, in the event of our people contributing, as the Episcopilians are required to do, and possibly, it would meet the necessities of the case, to provide that, in the event of the Presbyterians contributing as much as the Episcopilians are required to do, we shall have the same right to appoint ex-officio governors as they have.

1853. Dr. TRAEL.—Have you any Presbyterian Schools there?—No, one.

1854. Dr. FOUNDRY.—Has Mr. Hanson no school?—No, he has not a day school.

1855. Dr. TRAEL.—Where do the Presbyterian pupils go?—A number of them come to my school at Dennehy, a number go to Kildare Street, and a number to Marlborough Street.

1856. Lord Justice FIRGISON.—They all go to National schools!—Yes; that is the reason why our children have not gone to Rathmines. Our children look for, perhaps, a rather higher grade of education than a good many Episcopalian children accept, and the parents withdraw them, and would not have them go to a school which was simply a Church Education School, which they knew to be an inferior class of education.

1857. Dr. TRAEL.—They object, then, to the original foundation principle?—No, but they object to the education that was given.

1858. That education was the necessary result of the principles of the foundation!—No, I don't think it was necessary.

1859. Mr. SMOOTH.—Would there be a probability of any or many Presbyterian children attending those Schools?—I am not the minister of Rathgar, but I should say that if you give a good education, Presbyterian children would go there readily.

1860. Rev. Dr. WILSON.—They would certainly go to the most convenient place—and the best school.

1861. Lord Justice FIRGISON.—If this School is made a National School, and improved, there probably would be some Presbyterian children to go there. I have not the least doubt.

1862. We ought to take care that the Scheme shows that the School is to be so managed as to be equally advantageous, so far as secular instruction is concerned, to the children of all Protestant denominations—that was intended in the beginning—but the difficulty about giving you ex-officio representation is that the Schools have been maintained for a considerable number of years entirely by the congregation of the Parish Church. Here is the evidence:—

(Q. 296, *Supra*)—The Church might, as it has done for your past, give its annual service. Sometimes the collection amounted to £50, sometimes to £15, but if one

service did not produce the sum specified, two nights, and therefore, the Church might fulfil all you lay upon it in that respect."

Mr. HARRIS told us in November that the Church contributions came to something like £120 a year.

Rev. S. M. HARRIS.—£116, and all that from the congregation.

Dr. FOUNDRY.—I want to enter into the matter a little more fully, because I have materials at hand for doing so. Dr. Hamilton said a large number of members of his denomination contributed to the erection of the Schools, I say nothing about Moravians because they are not represented here, but I have given over the list of original subscribers, and only two that I am aware of—Mr. Todd and Mr. Drury—were Presbyterians, they gave £10 each. Mr. Purser gave £100, and by subsequent gifts gave £110 more. But except these two, as far as I am aware at all events, there were no further Presbyterians subscribers, and the total amount of the original subscriptions was £625 18s. 0d.

1863. Lord Justice FIRGISON.—That is what produced the buildings?

Dr. FOUNDRY.—Yes, the buildings cost £640.

1864. Rev. Mr. HAMILTON.—Have you the list of the subscribers?

Dr. FOUNDRY.—Yes, (producing *Memoir Book*) at page 54.

Mr. SMOOTH.—Besides those who are already specified, there were the Findlaters, who paid £40 between them.

Dr. FOUNDRY.—They contribute to the present time, they are the only continuing Presbyterian subscribers. I want to say a few words in reference to the character that the founders wanted to impress on these Schools. The first minute is dated November 17th, 1851; all the meetings previous to the erection of the buildings were held in the Vestry, or in the Church itself. A committee was appointed for the purpose of considering the erection of buildings, and this is the very first note in the book—"with a view of placing our Schools under the superintendence and management of the clergymen of the district in connection with the Committee." It was plainly intended that this should be a School, if possible, in connection with Trinity Church, Rathmines, and it was a mere accident which prevented this being carried out. The next meeting of the Committee was held in the Church, and on that occasion the Rev. Mr. Shire was appointed a member of the Committee, the third meeting was held in the Church, with Mr. Parker in the chair, and Mr. Drury was present, and the result was "with a desire to join heartily with the Rev. Mr. Shire," who had been recently appointed, "to provide accommodation for the Sunday and Daily Schools," a Committee was appointed, consisting of Mr. Shire, Mr. Parker, Mr. Drury, Mr. Purser, and others. The next meeting was also held in the Vestry, and Mr. Drury was present, and Mr. Shire came forward and submitted rules. A public meeting of the Protestant inhabitants was held in the Church, on February 3rd, 1852, and the rules were submitted, and these were some of the rules:—"That the clergymen of Trinity Church should have the exclusive use of the schoolroom on Saturdays;" and rule 10:—"That the clergymen should have the superintendence so long as their conduct be in accordance with these rules;" and "That the clergymen should be the chairman."

1865. Lord Justice FIRGISON.—What is the date of that appointment?

Dr. FOUNDRY.—February 3rd, 1852. Archdeacon West was then approached on the point of his joining the Committee, and lending his sanction to the undertaking. He was the Rector of the Parish, but before they approached him on the subject they had prepared a circular, and annotated some sentiments which were distasteful to him, who happened to be an upholder of the system of National Education. In that circular

say stated that scriptural teaching was the only true basis for secular education, and matters of that sort. He proposed an alternative circular, they said they would withdraw their circular, but could not adopt it. He also complained of the rule, as being needlessly ungracious, that the clergymen should have the representation so long as their conduct should be in accordance with these rules. Consequently he could not come to terms with the Committee. Then they had a correspondence with the Church Education Society as to connecting themselves with that Society.

1862. Dr. TRAILL.—That is an exclusively Church Society!

Dr. Fenton.—Quite so. They did not think of connecting themselves with the Presbyterian or Methodist Society, in fact, as far as we can gather from the whole book, the existence of any other religious body outside the Church of England was never contemplated.

Dr. TRAILL.—They took their money.

1863. Lord Justice FIRKGUNNOR.—Although no doubt such people were taking the leading part, the idea did not occur to anybody that there was to be any distinction between one Protestant denomination and another. Let me refer to the evidence we already have from the Committee.

(Q. 383.) "We want to get a combination of the Schools Scheme and the provisions of our own trust act. We would be satisfied with the Incumbent and Curate of Trinity Church, Bathurst, *ex-officio*. But there should be one or two Representative Governors selected by the Select Vestry, and the majority should be cast out of the ten shifting subscribers at present."

The present constitution is extremely simple, the Committee consists of Subscribers, and five Trustees, and the Subscribers are supposed to elect. As a matter of fact, the Schools are now entirely dependent upon subscriptions. Dr. Molloy asked,

"Would you object to Presbyterian Subscribers, and would you give them a vote?"

Mr. Harris answered—

"We would not object."

Mr. Smith said—

"We would be very glad if they would keep up their old acts and subscribe and take part in it."

Dr. Molloy said—

"I don't want to narrow the constitution established hitherto."

Mr. Smith answers—

"No."

He gave effect to that, and allow the majority of Subscribers to be elected by the Subscribers to the Schools and provide that the Schools are to be in all respects equally open to children of all Protestant denominations, I don't see what more we can do.

Dr. Mr. Hamilton.—You would not give the same power to the appointment of *ex-officio* Governors?

1863. You would practically get more if you subscribe, because you would elect them whom you pleased. I am not aware that so far back as 1853 the Subscribers made the Incumbent their Chairman.

Dr. Fenton.—The rule was proposed, but there was a difference with Archdeacon West.

Rev. Mr. Hamilton.—Looking over this list, I find persons whom I know to be Presbyterians subscribed £25.

1863. Lord Justice FIRKGUNNOR.—You need not trouble yourself with that, because it is acknowledged that from the beginning there were subscriptions from members of different Protestant denominations, and the basis of the School was Protestant as distinguished from any one denomination. We could hardly manage with the use of the buildings on Sundays, and things of that sort, because I think it is clear they have always been so used in connection with the Church.

Rev. Mr. Hamilton.—The Presbyterians have a Hall immediately adjoining, so it would not be necessary, but we certainly do want, if we can get it, some share in the management of the School.

1863. You want to have the School so conducted as to

be really open to Protestants of all denominations with confidence in the management?

Rev. Mr. Hamilton.—We could not have that if it be so immediately tied to Trinity Church.

Rev. S. M. Harris.—They are now Sunday as well as Daily Schools.

1871. Lord Justice FIRKGUNNOR.—In the North there are several places where Dr. Wilson and Dr. Traill have had to deal with buildings equally wanted on Sundays by both Presbyterians and Church people.

Rev. S. M. Harris.—Here it is not.

1872. We have had to try several solutions of that difficulty, giving the buildings to one in the morning and to the other in the afternoon, and the like, but in this particular case there is no suggestion that the buildings are wanted out of school hours for any purpose but those of the Church Congregation.

Rev. S. M. Harris.—The state of things in Ruthin is utterly different now from what it was when these Schools were started; there was then no Protestant Church except our own, and there were no schools, so they could have a general Daily School and a general Sunday School. Now it would be utterly impossible to have a general Sunday School, because the Presbyterians and Methodists have their own. We have now 420 children upon our Sunday School roll, all from our own congregation, and you would have to face this difficulty about a mixed Board for these Schools,—that is, as the Rector who has charge of the spiritual education of these children, would have nothing to do with a mixed Board for the Sunday School. I should remove the Sunday School at once.

1873. I would leave the arrangements as they stand with regard to the Sunday School. The Philiburn's Schools are used as Sunday Schools for the Philiburn's congregation, though open to all denominations as Daily Schools; but I think you ought to preserve the old basis of the Daily Schools for all Protestant denominations. You suggest that yourselves, and, having regard to the fact that the Subscribers have always had the whole thing in their hands, I don't think we ought to give them less than the power of electing a majority of the Governors. You should have a graduated scale, so that you could not elect more than a certain number of representatives of Subscribers regulated by amount.

Mr. Smith.—Would Dr. Hamilton say whether those he represents wish to affect in any way the Sunday School?

Rev. Mr. Hamilton.—We don't wish to interfere with the Sunday Schools of Trinity Church in any way. I am sure not. We would merely like to have something to do with the management of the Daily Schools, because there is great need of them in the Township.

1874. Lord Justice FIRKGUNNOR.—There is another thing which we may do, and have done in other cases—that is, to provide that so long as children of different denominations attend the Schools, the rules of the National Board as regards vested Schools should apply to them. The effect would be that during the time set apart for religious instruction their own clergymen or teachers may attend. That rule applies to every vested School, and to every School built with public money, and it works satisfactorily. How many Schools are here yet?

Mr. Smith.—Two, with folding doors.

1875. Dr. TRAILL.—What are the respective sizes of the rooms?

Mr. Smith.—30 feet x 40 feet.

1876. Rev. S. M. Harris.—Can I ask Mr. Hamilton whether he has any means of ascertaining how many Presbyterian children there are in the neighbourhood who would be likely to come to us?

Mr. Fenton.—He has not suggested there would be a single one.

Rev. Mr. Hamilton.—I know there is a very large Presbyterian population in the district.

Rev. S. M. Harris.—But they are not of the class that would attend that School.

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**Rev. Mr. Hamilton.**—I don't know that. I have opened a school within the last eighteen months, and we have close upon one hundred children on the roll.

**1871. Lord Justice Finnigan.**—You might fairly expect that some of the children who now go to Kil-dare Place would go to this School.

**Rev. S. M. Harris.**—I don't know of any Presbyterians who are going to Kil-dare Place.

**1873. Mr. Sweet.**—Where is your School, Dr. Hamilton?

**Rev. Mr. Hamilton.**—At Donore, South Circular Road.

**Mr. Sweet.**—Yours is another congregation, quite distinct.

**Mr. O'Brien.**—You would not expect that any of your children would come up to us?

**Rev. Mr. Hamilton.**—I don't know, I have some children from Harold's Cross, and they might be tempted to go to Rathmines.

**Rev. S. M. Harris.**—Mr. Hunter's congregation are so well-to-do that their children would not go to such a school.

**1879. Dr. Traill.**—It is mostly poor children who go to your School!

**Rev. S. M. Harris.**—Yes, or those whose parents have less than £200 a year.

**1880. Lord Justice Finnigan.**—Judging by experience, if you had a National School in Rathmines under a first class teacher, I believe you would find your numbers would at once become very large. At St. Peter's Schools, we had a great many Jewish children until they opened a school of their own, and a considerable number of Presbyterians also attending our Parish Schools because they were National Schools, until you opened the Donore School.

**Rev. Mr. Hamilton.**—We had seven Jewish children up to the day after the Synagogue was opened, and my school, although a National School, has become the fashionable school of the district; the children of all the respectable people are coming to that National School because they get there a better education than in the private schools of the neighbourhood.

**Dr. Foster.**—We claim the preponderating influence in the Rathmines Schools.

**1881. Lord Justice Finnigan.**—I have not the slightest doubt you would have that, and justly, but at present you have it exclusively.

**Dr. Foster.**—From the first it was contemplated to put the Schools in connection with Trinity Church, but the mere accident of Archdeacon West being a supporter of the National Board prevented that being done, we have supported that school to the extent of 30 per cent. of the contributions for forty years, and practically we have managed it exclusively and entirely. In looking through the book the name of Presbyterian or Methodist or any other denomination does not appear in any way. The Schools are inadequate for parochial purposes, we contemplate altering and adding to them, but unless we, the Select Vestry of Trinity Church, get a preponderating influence so that we can maintain it, I certainly say, as a member of the Select Vestry, that we would not be prepared to make any alteration or improvement in these Schools which might, by an influx of Subscribers, be for the benefit of another denomination.

**1882. Lord Justice Finnigan.**—No influx of Subscribers could fail to bring in church subscribers in larger numbers than others, I don't know how the amount of the Church contribution was reduced, but I think the original figures that we asked from the congregation were not too large.

**Mr. Sweet.**—Yes, I was quite surprised to find that the sum fixed in the Scheme was altogether different from what was mentioned here.

**1883. I.** I think £20 a year is quite little enough to put down as the contribution of the congregation for the *ex-officio* Governors, and another £20 for the additional two; I think we might leave the election of not more than five other Governors to the Subscribers. The Governing Body would be nine to begin

with, and if the subscriptions rose above a certain amount corresponding to that given for the *ex-officio*, there should be two more.

**Mr. Sweet.**—I believe that is taken notice of in our amendment.

**Dr. Foster.**—On further consideration we prefer that the original clause as to the election by Subscribers should stand, it leaves a greater discretion as regards procedure.

**1884. Lord Justice Finnigan.**—We have always tried to persuade people coming in here for Schools to leave themselves free.

**Dr. Foster.**—We would ask that the clause should stand substituting five for four.

**1885.** If you had five representing Subscribers, and no one individual Subscriber could vote for more than three out of five, you would always have a minority representative.

**Dr. Traill.**—I would rather give separate groups of ten their representative, if there were 10 Presbyterians give them a representative, and ten Methodists give them a representative. Mr. Hamilton's point is that as long as the others had a majority his ten would be no use.

**1886. Lord Justice Finnigan.**—His point is not a question of a majority, it is to have some one to look after his own children. It would be satisfactory to have some one to look after the Presbyterian children, not at all by way of dividing against the rest. You don't want a majority, Dr. Hamilton?

**Rev. Mr. Hamilton.**—*ibid.* We are quite willing to fill the second place, if we can get any place at all.

**1887. Dr. Traill.**—Would you be satisfied if you had a direct representative for ten Subscribers?

**Dr. Foster.**—We would accept that with pleasure.

**1888. Lord Justice Finnigan.**—That clause can be easily put in, but you ought not to have a representative unless you have both pupils and Subscribers. If your pupils choose to take advantage of the School and your people don't choose to subscribe, that would not give you any claim to a place on the Governing Body. On the other hand if your people subscribe and you have no children at the School, you would not want to interfere with the instruction of others. We might do as we did in the Sullivan Schools at Helpwood, where everyone is represented, and provide that if there are ten pupils, and the denominations subscribe, at once a representative of the congregation becomes a Governor.

**Rev. Dr. Wilson.**—That would certainly increase the popularity of your School.

**Mr. Sweet.**—I think that would be nearly about as the foundation which the original founders wished to put it on.

**Lord Justice Finnigan.**—All the Sunday arrangements would remain as they are.

**Rev. S. M. Harris.**—Could that be safeguarded?

**Lord Justice Finnigan.**—Certainly.

**Rev. Dr. Wilson.**—No, sir, I am sure, wants to interfere with the Sunday School.

**Dr. Traill.**—We can insert to be maintained as used on Sunday "as at present."

**1889. Lord Justice Finnigan.**—As at present would send them back to the end of time to find out what it meant. Let it be the Sunday School of the Parish Church.

**Rev. S. M. Harris.**—That is my only point.

**Mr. O'Brien.**—Does the proviso as to ten pupils of any denomination refer to other denominations as well as the Presbyterian?

**Lord Justice Finnigan.**—I should say so.

**Rev. Dr. Wilson.**—Any Protestant denomination.

**1890. Lord Justice Finnigan.**—Here is the clause about Phibsboro' School, which was founded almost identically with this. Lady Blessington, who was a Presbyterian, was one of the founders.—"On Sundays and at any other times when not required for the Daily Schools or Evening Schools, the Governors shall permit the School premises to be used for the

pages of Sunday Schools, and of classes for the religious instruction of Protestant pupils, under such regulations as the Governors shall from time to time make. The Chaplain of the Female Penitentiary, so long as he shall be a Governor, shall be the manager, and shall have the general supervision of the Sunday Schools and classes aforesaid, and shall, subject to the approval of the Governors, have the selection of the teachers therein."

*Rev. Mr. Hamilton.*—Nobody would object to that.

1932. We will put in a provision for the representation by a single Governor of any denomination that has ten pupils and ten subscribers of £1 each, that is £6 a year. We will assume the old foundation of the Daily Schools, and the Manager will have his exclusive rights to the Sunday School, and to Saturday Evening Schools if you like.

*Rev. Mr. Hamilton.*— Practically it means only the Presbyterians and Methodists, because there are no other denominations in the country.

1933. Just listen to the Sullivan clause, which had nothing to do with subscriptions, as the School was endowed by Dr. Sullivan—

"From and after the date of this Scheme the clergymen or principal officiating clergymen, of more than one, of any religious body or congregation having a fixed place of public worship within the School district, shall be a Governor, if and so long as there shall be a subscription at the School ten pupils or upwards belonging to such church body or congregation, and if and so long as he all be willing to act as Governor."

I would propose substantially to adopt that clause, with the addition—"if and so long as the members of that congregation shall subscribe not less than £5 a year."

*Dr. TRAILL.*—The clergymen should go on ex officio.

*Rev. Mr. Hamilton.*—I am quite willing to agree to that.

1934. *Lord Justice FRIZZGROSE.*—That is what the Funders contemplated forty years ago. The Committee was to include the Protestant clergymen; you read a note to that effect.

*Dr. VANASPA.*—The clergymen meant the Episcopalian clergymen, there was only one at that time.

1935. *Lord Justice FRIZZGROSE.*—I don't think there is any real difference of opinion between you. The Funders don't want to confine this School to any Protestant denomination, but only to see that those which has the largest number of pupils, and which most largely, should have the general management.

*Rev. Mr. Hamilton.*—Then you would put in the clause providing for the same rules for religious instruction as in Vested Schools, otherwise the managers could entirely exclude us from the School.

*Dr. TRAILL.*—There is a good deal of misapprehension about the working of that rule, no clergymen has any right under it, but the parents of individual children have a right to ask the Manager to provide a time for religious instruction, and the way I settle that in my school is by appointing one day in the week, Monday, and I allow no clergymen or anyone else into the school on other days.

1936. *Lord Justice FRIZZGROSE.*—The history of the rule is interesting: Cardinal Cullen refused to have any Roman Catholic School a Vested School, but in recent years that is changed in many dioceses, though not in all, and a great many Roman Catholic Schools are now Vested Schools. A Vested School means a School vested either in the Commissioners or in Trustees for the purposes of a National School. Here is the provision about religious instruction—

"The patrons and managers of all National Schools have the right to permit the Holy Scriptures, either in the Authorised or the Douay version, to be read at the time or times set apart for religious instruction. And in all Vested

Schools the parents or guardians of the children have a right to require the patrons and local managers to afford opportunities for the reading of the Holy Scriptures in the schoolroom, under proper persons approved of by the parents or guardians for that purpose."

"In Vested Schools such masters or other persons as shall be approved of by the parents or guardians of the children respectively shall have access to them in the schoolroom for the purpose of giving them religious instruction there at times convenient for that purpose, that is at times so appointed as not to interfere unduly with the other arrangements of the School."

In Non-Vested Schools it is for the patron or local managers to determine whether any, and if any, what, religious instruction shall be given in the Schools.

*Rev. Mr. Hamilton.*—You see that under that we could be excluded if the Manager pleased.

*Rev. S. M. Harris.*—Would this change the provision that you made in the Scheme that has been published for the giving of religious instruction?

*Lord Justice FRIZZGROSE.*—No.

*Rev. S. M. Harris.*—Would it limit it in any possible way? Would you read the clause, please?

1937. *Lord Justice FRIZZGROSE.*—

"In addition to providing elementary education in secular subjects, the Governors shall provide daily religious and scriptural instruction in accordance with Protestant principles and doctrines for all and every child or children attending the Schools, who may from time to time be willing to receive the same; and in giving such religious and scriptural instruction, full and free use of the Holy Scriptures shall be allowed."

I am not inclined to interfere with that.

*Rev. S. M. Harris.*—Nor would I, because at once the subscriptions would cease.

1938. Religious instruction is only to be given to those children who are willing to receive it.

*Rev. Mr. Hamilton.*—There are two rooms in the School, the Episcopalian children might be in one room, and the Presbyterian children in another, and the Episcopalian clergymen might give religious instruction in the one room, and the Presbyterian clergymen give instruction to the Presbyterians in another room, and all we want is that if there was a necessity for the Presbyterian minister to go there and give religious instruction to the Presbyterian children, it should not be possible for the clergymen of the parish to shut him out.

1939. *Dr. TRAILL.*—Does your teacher give the daily religious instruction, or do you?

*Rev. S. M. Harris.*—It is usually ourselves, that is the clergymen.

2000. Do you go there every day as clergymen of the parish?

*Rev. S. M. Harris.*—Yes.

2001. If you were absent would the teacher give the religious instruction?

*Rev. S. M. Harris.*—Yes.

*Dr. TRAILL.*—That is one of the difficulties when the teacher gives the instruction.

2002. *Lord Justice FRIZZGROSE.*—The National Board has had to deal with all that; the Governing body of this School will be the Committee; the Manager will be appointed by them. The 83rd rule, which applies to all Vested Schools in Ireland, gives a right of access to the schoolroom for the purpose of giving religious instruction to children in accordance with the rules of the National Board, but only at times so appointed as not to interfere unduly with the other arrangements of the School. If difficulties arose the Manager could say: "You can teach your children, but one clergyman must come at 10 o'clock and another at 3 o'clock."

*Rev. Mr. Hamilton.*—At present one of our clergymen attends at Kildare Place.

2003. *Lord Justice FRIZZGROSE.*—The Schools should be vested if you get public money to improve them.

*Rev. Mr. Hamilton.*—Can that be done? I know where it was refused.

July 1, 1889.

2004. Dr. TRAILL.—There is no public money in this; a few £5 notes put down 40 years ago is hardly a reason for changing this.

Rev. Mr. Hamilton.—Was it not the intention of the gentlemen who subscribed that the children of other denominations should receive religious instruction?

2005. Lord Justice FIRMIN.—I think they intended that they should all receive it together.

Rev. S. M. Harris.—They all get it from the clergyman of Ruthmines.

Rev. Mr. Hamilton.—I can hardly expect that Mr. Todd or Mr. Drury intended to make the Presbyterian children of the district Episcopalian.

Dr. TRAILL.—The original basis was Bible education.

2006. Lord Justice FIRMIN.—Here is an early minute bearing on what you are talking about: "The Rev. Mr. Shire stated the circumstances that led to his removing some of the teachers from the Sunday School, whereupon Mr. Parker submitted a requisition from the teachers and a statement signed by Mr. Greville, and also a note sent to the Rev. Mr. Shire by Mrs. McWay; these were read out and fully and anxiously considered, and it was resolved—that, whilst this meeting deplores the misunderstandings which have arisen between the Rev. Mr. Shire, as Superintendent of the Sunday Schools, and several of the Teachers, yet mutual confidence, cordial union, and thoroughly good understanding are essential elements to the unitary and satisfactory working together of Superintendent and Teachers; the Committee are unable to consider how they can now rectify what has been unfortunately already sacrificed. The Committee, having been made aware for the first time that the teaching of the Church extension had been introduced into the Sunday School at its morning assembly, resolved that as this arrangement has already led to a difference of opinion in the past, and might if persevered in present an obstacle to the attendance of certain young people, while the Committee desire the Schools to be eligible and open to all, the Superintendent shall be requested to appoint another time for this branch of ecclesiastical instruction." This shows that in the case of the Sunday Schools, denominational differences were then causing difficulty.

Mr. O'Brien.—There was no other school in the neighbourhood; it was a general Sunday School.

Dr. Fenton.—I am afraid that if the School gets from under the control of the Select Vestry of Ruthmines this Scheme won't work, if the number of Governors is unlimited, and we are represented solely by six.

2007. Dr. TRAILL.—How can they be Vallinized?

Dr. Fenton.—Suppose the pupils and subscribers were 100, and the Presbyterians got 10,

2008. They would only have one Governor if they had 100 children.

Lord Justice FIRMIN.—We want to secure that any minority which subscribes, and has a substantial number of pupils attending the School shall have one Governor to look after them, and unless the total number of these minorities exceeds 10, you will still have a majority.

Dr. Fenton.—We won't make any improvement in our Schools unless we are satisfied that no other denomination will come in, and perhaps, by getting a majority to the Board, turn us out.

2009. Lord Justice FIRMIN.—We propose to make it perfectly clear on the face of the Scheme that on Sundays, and when the School buildings are not used for the purposes of the Daily Schools, you shall have them altogether for yourselves. You will have it wholly and entirely as a Parochial School, except during the time that it is wanted for the daily classes; during that time there is no question of majority, but if you have a substantial number, taken as 10, of pupils of any other denomination than the Episcopalian, and the members of that denomination give you £5 a year, they shall have one Governor. The only possible state of affairs in which a majority could exist against the congregation would be if there were more than 10 different denominations, each with 10 children, and each giving you £5 a year.

Dr. TRAILL.—There is no possibility of that.

2010. Lord Justice FIRMIN.—I find this in an old minute:—"The committee proposed to consider the basis of the Deed of Trust, regarding the portions of which there arose such a conflict of opinion that led to the separation of the members without adopting any resolution, or being likely to assemble again as one body, a clause to the following effect was proposed to be introduced:—'The trustees, or any two of them, shall have power to grant the occasional use of the schoolroom to discreet persons at fitting times for religious education or useful purpose, not inconsistent with the principles of the Trust.' The meeting broke up. 'Resolved, that we do not consider ourselves competent or authorized, if so disposed, under the resolution constituting us a provisional committee, to extend the Schools for any purpose unconnected with the education of the poor of the township.'

Dr. Fenton.—There is this also:—"We anticipate with lively satisfaction the period when the Schools, in active and useful operation, shall have the benefit of the attendance of the entire to give religious instruction to the children." They requested Archdeacon West to sanction two of the curates joining the Committee; he consented, and they were immediately elected.

Rev. S. M. Harris.—I don't like that rule about the Visited Schools.

Dr. TRAILL.—I think where there is no public money it need not be pressed on them.

2011. Lord Justice FIRMIN.—Very well; the let us put in one Governor to represent any denomination that has 10 pupils and subscribers of £5. We must also make it very much more definite as regards the Sunday Schools.

Dr. Fenton.—Will we have an opportunity of considering it?

2012. Before signing it we will send a copy to Mr. Harris, to Mr. Hamilton, and to your Secretary, and you may send us any observations on it; we need not bring you here again.

The Inquiry then concluded.

## PUBLIC SITTING—FRIDAY, OCTOBER 20, 1893.

ON 26 NOV.

At the Office, 22, Nassau Street, Dublin.

*[not]—The Right Hon. Lord Justice FROGGEY, Judicial Commissioner; ANTHONY TRAILE, Esq., F.T.C.B., M.D., Right Rev. Gerald MOLLOY, D.D., B.A., and the Rev. H. B. WILSON, D.D., Assistant Commissioners.*

Messrs. N. D. MURPHY, M.A., Secretary, and F. RICHMOND, 'B.A., Assistant Secretary, were in attendance.

## SCHEME No. 190—THE STRATFORD LODGE SCHOOLS, BALTINGLASS.

## OBSTRUCTIONS AND AMENDMENTS.

Mr. Deasy, instructed by Messrs. Mauds and Richardson, appeared for Captain Dennis.  
Mr. Hallé appeared for the Rev. Mr. Usher.

SIR, Lord Justice FROGGEY.—Mr. Justice [redacted] is unable to attend to-day, but he has discussed the Scheme with me, and we have come to an opinion as to what would be prudent as well as legal, subject to the consideration of the objections which have been received to the draft Scheme. We thought it would tend to a settlement if we provisionally visit the Scheme, and sent the revised draft to the pins, that they might see the shape in which we will be willing to pass it; but they will understand that in thus revising the Scheme, we have not shot ourselves against anything that we may hear to-day, so that it is still to be treated merely as a revised proposal only as an advance towards a settlement of the matter. In this case, as in others, it is my wish to shorten the discussion if I state how it has been presented to us, and how we apply the law of the case; and I ask both parties to pay close attention to my statement, because if we are in any way mistaken the facts, it is not too late to correct me. As regards the law, there is no difference of opinion whatever between Mr. Justice O'Brien and myself, and, as a member of the Board of Charitable Bequests and Hospitals, he has had the case before him in another capacity also; that Board are deeply interested, and they have taken the matter up with a view to terminate this present deadlock that exists with regard to the purposes of the Charity.

The foundation of the Stratford Lodge Schools at Ballyglass was a charitable bequest of Lady Elizabeth Amiens, who made her Will in 1847. At that time, Galtiborough title was still in existence, and Lord Amiens, a relative of hers, was the heir to that title. She gave her landed estate in the County of Wicklow to Lord Amiens for life, with remainder to his issue, and her Will then contained this clause:—

"That her trustees should pay all the expenses of and maintain for ever a school which she had established at Ballyglass out of the income or profits of her freehold estates devised by her Will."

In the event of Lord Amiens dying without issue, he desired the lands to the Rev. Henry Scott and his heirs for ever:—

"Subject, however, to the upholding of the Stratford Lodge School under the same arrangements as were then established."

I believe that the Rev. Henry Scott was the clergyman of the parish of Ballyglass at the time. It does not appear that he was a relative, but he was a friend of Lady E. Stratford, and he was one of the trustees of her Will, and in the event of Lord Amiens' death, without issue, she gave him her Ballyglass estate. But, subject to what we may hear, Mr. Justice O'Brien and I are of opinion that all beneficial property whatever derived under the Will in the hands must be taken and held on the condition of upholding those schools. It is an estate held on

condition. The condition is easy to fulfil, and so long as it is fulfilled the devisee is entitled to enjoy the property, and he was undoubtedly intended to take a large personal benefit, but only so long as these schools are upheld as directed by the testatrix. The result of that view, if we are right in it, would be, that whenever the schools are not upheld, anybody may become a relator, and, through the Attorney-General, may proceed in Chancery to sequester the entire estate until the condition is fulfilled. The late Mr. Dennis's subsequent dealings with the property and with the school, make it important to thoroughly understand the legal position, and I have therefore stated our present impression upon it. But I am not to be misunderstood. We don't doubt that there was an intention to benefit Lord Amiens, and similarly to benefit Mr. Scott and his heirs, and to give them a valuable property; but the more valuable the property the more binding, in conscience and in law, is the obligation to discharge the condition on which alone the testatrix gave it.

The next question is the extent of this condition. This can only be ascertained by going back to the state of the schools at the death of the testatrix, and upon that the evidence is not as full as we could wish. I shall state exactly our impression as to the facts with regard to this matter, which involves now Lady E. Stratford seems to have been a very benevolent lady, and to have been resident at Ballyglass. We get a good deal of useful evidence at Ballyglass in 1889, as to what the old school was, from one witness, an old lady who impressed us very favourably, and who had been a pupil of the school. She said that there were both a master and a mistress, that there were two schools, and a residence for the teachers; we saw a picture of the old place, and there seemed to have been a good building, with a schoolroom at each end, and a teacher's residence in the middle. We heard also of a third school, an infant school, but the evidence about it was vague. There seems, however, to be little or no doubt that while Lady Stratford was alive, and under the arrangements mentioned in her Will, there were a male teacher and a female teacher, two separate schoolrooms, a residence, and a sufficient quantity of ground devoted to the purposes of the school. It was undoubtedly only an elementary school, but it seems to have been a good one. It also unquestionably was at one time attended by pupils of different religious denominations. One witness, a Roman Catholic, who described the school during the time she was there herself, proved that the teaching was conducted by Lady E. Stratford herself, on a principle which was then more general than it was afterwards. The Scriptures were read, the instruction was scriptural, and both Roman Catholics and Protestants who attended that school received that instruction.

So the school went on until Lord Amiens had died

X 2

OCT 20, 1888.

without issue, and Mr. Scott had also died; both of them contained the schools as they had been; the latter left the property to Mr. Meade Dennis and Mr. Scott's Will contained an express clause, although he could not have got rid of the condition imposed by Lady E. Stratford, that the property was given "subject to the provisions of Lady Stratford's Will." That could impose no additional obligation, but, as one would expect from a clergyman who was also a charitable trustee, Mr. Scott expressly recognised in his Will the binding force of the provisions of Lady Stratford's Will. Mr. Scott died in 1873, and Mr. Meade Dennis succeeded to the estate. He seems soon to have begun to curtail the schools, but he kept at least one school going until 1879, and in that year he placed it in connection with the National Board, and thereby got state aid to relieve the obligation which rested on himself. Mr. Dennis, who became unfortunately disabled, was examined by us in 1887, and he told us that he had got an opinion that if he could keep up the school with the help of public money, and without spending a shilling of his own upon it, he would be entitled to do so. In one sense I agree with him. As long as the school was maintained under the arrangements formerly established, the Court of Chancery would not inquire where the funds came from, the condition would be fulfilled, and there would be no more about it. But there can be no doubt that between 1847 and 1879, there had been a great change both in the amount of money that the National Board were entitled to distribute, and in the conditions upon which they distributed it. The year 1847 was about the high water mark of the agitation against the National Board on the part of those who maintained what they called scriptural schools; but in 1879 people had begun to discover that the scriptures could be taught in a National School as well as in any other school; and the National system was becoming largely denominational. From 1879 until 1882 the school was contained in the old building, and the school premises were maintained by Mr. Dennis, subject to the rules and regulations applicable to National Schools under Protestant management, and his pocket was relieved to the extent of the aid he got from the Board. He made the school a National School, and it does not lie in his mouth to say that as a National School it was not conducted according to the arrangements established by the Will of Lady Stratford.

In 1882 a very unfortunate transaction took place, which has caused a great deal of feeling, and, speaking for myself, a great deal of surprise, when it was disclosed. The surprise the disclosure caused to us was not greater than that which it caused to the Commissioners of Charitable Distributions and Bequests. In 1882 the Great Southern and Western Railway Company made their railway to Baltinglass, they put their station where the old school was, and the greater part of the school property was taken for the railway, with some other land belonging to Mr. Dennis, and not appropriated to the purpose of the school. The draft award—I am mentioning now what the facts were; they are very different from what we thought—shows on the face of it, what property belonged to the school and what did not. In the draft award £915 16s. 6d. was provisionally awarded for the school premises, identified by numbers and by the deposited plan; we have examined them carefully, and there is no doubt that £915 16s. 6d. was awarded for the school buildings and the land occupied with the school. A further sum of £386 11s. 7d. was awarded to Mr. Dennis for the other lands belonging to himself, and which had not been appropriated to the use of the school. These two sums make together in round numbers £1,300. The award was unversed and the £1,300 was raised to £1,715, but that amount was inserted as one lump sum in the final award. How the identification of the school premises disappeared from the final award we don't know, but undoubtedly the sum of £1,715 was paid into Chancery as the purchase-money of the

whole property—not merely of the school property, but of it and what belonged to Mr. Dennis. Well, of course when the whole award was increased by £415, even if we were not dealing with the case of a trustee who had allowed trust property to be mixed up with his own, it would be incredible that there should be any diminution of the £915. If the proportion was preserved of £1,300 to £1,715, the £915 would be represented by about £1,200 of the money lodged in Chancery. The dates are very important. In 1882—eleven years ago—the money was paid into Chancery by the Railway Company, and they took possession of the land, leaving the Court to deal with the money which represented it. In 1884 Mr. Dennis presented a petition to the Court of Chancery, asking that the whole £1,715 should be paid to him; and an order was made on July 30, 1884, by the Master of the Rolls, directing the whole fund to be paid to Mr. Dennis. This is the form of the order:—

"The said Meade G. Dennis undertaking to build schoolhouses according to the plans submitted to the Court, is in place of the schoolhouse taken by the Railway Company and called the Stratford Lodge School, and to uphold the same pursuant to the terms of the Will of Lady Elizabeth Stratford."

Thereupon the £1,715 was paid over to Mr. Dennis, and the whole of it was received by him. As to the effect of that order we think there can be no doubt. The undertaking would be enforceable against Mr. Dennis himself by attachment. Any property that he possessed could be made available to carry out his undertaking. Plans are said to have been submitted to the Court, but we have not seen them; but that he, to the full extent of his property, was bound to build the schoolhouse, appears to be beyond all question. Nothing was done towards building the school, except to bring some of the materials of the old schoolhouse to a field which Mr. Dennis himself in person showed us, and he pointed out to us the materials and the field where they were, and he told us that he was about carrying out the building of the school. That was when we went to Baltinglass—my late colleague, Lord Justice Naish and myself—on July 1, 1889. We knew nothing whatever of the case then. We held the ordinary public inquiry. We knew absolutely nothing of the history of the school until we proceeded to take evidence; and the first witness who appeared before us was Mr. Dennis himself. Before examining him, we went to see the school, and we found that the school which he was supporting was—as I believe it still is—being maintained in a disused bridewell in the town of Baltinglass. It is described in one of the letters of the National Board as a place utterly unsuitable for a school. I can only say that no language that they could use would go beyond the impression which the school produced on us when we saw it. The children were being taught in the actual wards of the jail, their only play was a walled-in yard, and the entire place was utterly unfit for a school—unfit structurally—unfit as regards its sanitary condition—and unfit as regards all its associations of every kind. Mr. Dennis did not pretend for a moment that the bridewell being used for the purpose was anything but a matter of temporary necessity. We understood from him that there was some temporary delay in getting the new site, but that the difficulties were in course of being removed, and that in the meantime the bridewell was the only available building. I must read the evidence he gave us, for we were totally misled by it. I asked him—

No. 4,440. "I see by the report of 1878 that there was an acre and a half granted to the schoolhouse—which is taken by the Railway Company?—Not all; there is a piece left at the top, but it is not of any use, not available for anything. There may be a road, but perhaps not so much. That land was never of any value to the school except as a playground. There was a little garden at the back. It was in the darkness and not placed off from it. I fenced it since myself—put wire fencing."

\* Report, Educational Endowments (Ireland) Committee, 1888-89, p. 181.

The Lord Justice Naish asked him:—

"About how much did the Railway Company pay for the land premises which they purchased?—I could not tell you. They took a lot of land down the whole way. Did they pay a full sum for all they took?—No, they paid two bulk sums at the award of the Arbitrator. Was there a separate sum in the award representing the premises on which houses was built?—There may have been, I don't know. I was in Germany at the time the award was made. I don't know what they paid £1,715 for the whole."

Then he is asked:—

"For the freehold of other lands besides the school lands?

"*Mr.* Was the whole amount of the award paid to you?—All paid to me as the owner of the estate. No part was spent by you as representing the school property?—See statement."

"He told us no more. He gave no hint of his general undertaking to erect and to maintain the schools—stated that the £1,715 was paid to him on his undertaking to build a schoolhouse, and to spend it in accordance with the trusts of the Will. A great deal of evidence was taken, but not a word was disclosed to indicate in the slightest degree what had occurred in the Court of Chancery. There was a delay of more than a year, principally caused by our being told, when we were at Balinglass, that the building of the school was only to be delayed a month or two, that it would be all right, and so on; when had other things to do. In July, 1891, having that nothing had been done, we wrote to the Commissioners of National Education, thinking that they would probably put pressure on Mr. Dennis to see the children out of the bridewell, and in October, 1891, the Commissioners of National Education sent us following letter which they had received,

"Fort Granite, Balinglass,  
"2nd October, 1891.

"The Commissioners of  
"National Education, Dublin.

"GENTLEMEN.—With reference to yours, Nos. 1882, &c., dated Dublin, 23rd July, 1891, forwarded to-day to Balinglass by Mr. J. MacDonnell, Inspector of National Schools, I beg to point out for your information that had you informed the Educational Endowments Commissioners of the trouble to ascertain the whole facts of the case with reference to Stradford Lodge National School long ago in the old bridewell at Balinglass, they would have discovered that Mr. Dennis has for the last five or six months been so ill as to be quite incapable of managing or undertaking any business matters."

"A gentleman who wrote that, did not know that will not know all the facts, because they had not been related to us, and that for a year and a half we have been under the impression that the facts were quite different from what they really were; and that the fact of our not discovering them was that of those who did not disclose them. The letter goes on—

"As Mr. Dennis is still in this serious condition, it will be impossible for your Inspector, Mr. MacDonnell, to have an interview with him. Since my return from India at the end of August, however, steps have been taken for the building of a new school and teacher's residence, contractors have been advertised for, and their tenders are now under consideration of my solicitor, and it is hoped that the building of the school will be commenced during the current month."

The "current month" was October, 1891, two years ago, and the building has not been commenced yet.

The next communication we got from the National Board was an intimation that Mr. Dennis had applied for a loan or grant of public money to build the school. In the meantime we had investigated the case in Chancery, and had got a copy of the order confirming the undertaking to build the schools with no money got out of Court. Of course as soon as we were told that public money was applied for, we informed the National Board of the state of affairs, and also the Commissioners of Charitable Donations

and Bequests, because the Master of the Rolls as the head of that body was the Judge who had made the order paying out the money. It then turned out that the Board of Works had actually sanctioned a loan or grant of some £200 or £300 to build the school. Mr. Dennis was still seriously ill. He shortly afterwards died; and after his death the £1,715 does not appear to have been forthcoming. The building of the school had not made any advance, and the landed property had passed to his son who is not bound, in the opinion of Mr. Justice O'Brien and myself, except to the extent of whatever assets he got, by any personal liability of his father. Therefore to follow the £1,715 would be to go on a wild goose chase, unless there are assets available, and it is most unlikely that there are, or the money would be produced. Therefore what we have now to deal with is a case in which the £1,715 is no longer available, and in which there is an estate bound by the condition I have mentioned, but that condition could only be enforced, not by this Commission, for we can only deal with things tangible, but by a proceeding in Chancery which would begin with the sequestration of the estate, and probably end in an expenditure of the estate upon costs, that would be profitable neither to Captain Dennis nor to the children of Balinglass.

The Commissioners of Charitable Donations and Bequests have wide statutory powers of dealing with property affected by charitable trusts, and they entered into a correspondence with Captain Dennis, the present owner, and came to a sort of agreement with him, and wrote to us on February 20, 1891. We could do nothing until we had some tangible property to deal with as an endowment, and the Commissioners wrote to us:—

"Mr. Maule Dennis's heir and personal representative has undertaken to expend £200 in building the Stradford Lodge Schools, and the only delay that prevents the building from being commenced arises from a difficulty as to the site. The Board accordingly set no difficulty in your Commissioners treating the School as an endowment of £200 certain, applicable to rebuild these Schools, the owner of the estate being bound to support the Schools, when rebuilt, in the same manner as they were maintained during the life-time of the founder."

We then asked the Commissioners of National Education what they had to say, and they wrote that Mr. Graves, the Secretary of the Commissioners of Charitable Donations and Bequests, had gone to Balinglass, and seen the parties there, and had seen and judged for himself as to the different sites, and that they all appeared to come to the conclusion that the site on a place called Cook's Field was the best. Another site was mentioned which we understood was the place where we had seen the materials lying, but its suitability to a place called Cockoo-lane was said to make it undesirable. The Commissioners of National Education communicated with their Inspector, and he approved of the site on Cook's Field, and of a school to be built by Captain Dennis in consideration of the compensation money paid to his father.

Under these circumstances, having something to deal with, we published the Draft Scheme on March 14, 1893. We did not define the site, because we had no power to do so, the title being incomplete, but we did define the £200 as the limit of Mr. Dennis's liability, because we had the letter of the Commissioners of Charitable Donations and Bequests to that effect. They really represent the Attorney General, he would not give his *faç* for any proceedings without their approval, and if they choose to accept £200 as a settlement of the matter, no private creditor could ever make anything more of it. On the other hand, if they take the £200, Captain Dennis would be safe if he fulfills his undertaking. The frame of the Draft Scheme is to accept the £200—mind, the fixing of that sum is not our doing—to have a school-house built on a site approved by the National Board, and when that is done, to put the school as nearly as possible into the position of the old

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Stratford Lodge School, Captain Dennis being bound to uphold it, but to be at liberty to end it by National Board grants. The National Board has refused to sanction any grant for building; that he must do himself; but he may supplement the salaries of the teachers in any way he can.

Having published that Draft Scheme, we have got several objections, and these are the subject of our proceedings to day. The first is from the Protestant parishioners of Ballyglass. They object to the amount, £800, to begin with, as too small. I have pointed out that this amount has been fixed by the Board of Charitable Donations and Bequests. If the parishioners don't like it, their alternative is the Court of Chancery, but I advise them to consult themselves with the honesty saying that "a bird in the hand is worth two in the bush," and "half a loaf is better than no bread." £800 would build a good school-house, though perhaps not quite so good as Lady E. Stratford's old school. The former school-house was a pretty building, but not very large, and £800 would go very near replacing it. Then they object to the plan on the ground "that the building of a male and female school is a sin and non on the grounds of morality and common decency." As to this objection, we shall be glad to hear anything that can be said to-day. But I shall tell you what my own impressions are. I am not speaking for Mr. Justice O'Brien, for he was not at Ballyglass. We could not see the materials in Ballyglass for separate National Schools under Protestant management, for males and females. The numbers are too small. The National Board rules don't allow one school for boys and another for girls under the same principal teacher. Each principal teacher must have one school only, and you cannot get two salaries for separate schools, unless the average attendance in each is at least thirty. Even if you got two salaries two schools each of twenty would not be as good as one school of fifty pupils. A mixed school is found good enough for most country parishes, and if you are to have a National School at all, I should think one good mixed school would appear more what you want than two small separate schools. As for the "indecency," it would no more exist in one school than in two, for there must be separate offices for boys and girls under the rules of the National Board. As regards the "inefficiency," you should bear in mind that whilst Captain Dennis can utilize the National Board grants if you have one school, you might lose, from an educational point of view, if you were to force him to keep up two schools at his own cost, he might give you unclassed teachers, not connected with a public body, and experience shows National Schools to be better. Then as to the site, we trust that some arrangement will be come to, as to let the school be built at once. Then it is asked that the full amount of the compensation shall be secured for the school. We can't do that. You are mistaken in saying that the whole £1,715 belonged to the school. The amount representing the school property was about £1,200, and no doubt £500 is less than that.

*Mr. Drury.*—I don't think the order of the Master of the Rolls bound Mr. Dennis to spend the whole £1,700.

2014. *Lord Justice Finnigan.*—It did not, but it bound him to erect schools according to the plans submitted to the Court, and these were apparently plans for the expenditure of about £800.

*Mr. Drury.*—That would dispose of the first objection.

2015. *Lord Justice Finnigan.*—Again it is to be remembered that Mr. Dennis is dead, and the £1,700 is gone. Then we have a letter, which I wish had been a little more conciliatory, from the Rev. Mr. Uske. It is a pity that he did not look after the real interests involved, instead of writing such things as "it is highly unusual to read of Captain Dennis's solicitude." However he was perhaps naturally indi-

nant. He is practically in favour of the Cook's Field site, which Mr. Graves also approved of. Then we have Captain Dennis's objections. He in the first place contends that our Act does not apply to the school at all. On that point, subject to anything that we may hear, none of us have any doubt.

*Mr. Drury.*—We won't press that.

2016. *Lord Justice Finnigan.*—Very well; it is strictly within the Act, and furthermore it is a case in which, if I were the owner, I would endeavour to avail myself of the Act, in order to get the thing settled at the least possible expense. Also he seeks, which is natural enough, to have the control of the school kept, as it originally was, a family business. That would have been done, if the school had been kept up in the old way. But it was not, and the Court of Chancery never would leave the control in hands in which it had failed as it has done here. There must be some governing body for it, which can be trusted. At the same time I think the owner should have a voice, and a large voice, in the management, and in the selection of the teachers, but on the other hand we must respect the rights of the *testator* *que traxit*. We will hear anything that you propose as to the constitution of the governing body. There is another matter connected with the £800 which raises very much the same question, and as to which, I think, prudence will indicate what ought to be done. This trust has been abused; and disputes may again arise between the parishioners and Captain Dennis, as to whether the school is kept up in accordance with the conditions of Lady E. Stratford's Will or not. If it were necessary hereafter to give evidence as to what the school was years ago, the disputes would never be settled. Captain Dennis wishes, if there is to be a governing body, that he should be able to give them so much money and be done with it, and I think it is evidently for the advantage of both parties that that should be done. He says in his letter that about £65 a year was what used to be spent on the place.

*Mr. Molloy.*—Is spent.

2017. *Lord Justice Finnigan.*—Well, none of us are satisfied with the school as it is now, but he says £65 kept it up formerly. I think the parishioners, if they are wise, will bear in mind that a great deal of the expense of maintaining an efficient school is now put on the National Board, and if Captain Dennis pays a fair sum as local aid, they ought to be content. If they went into Chancery, they could not force Captain Dennis now to spend so much money of his own on the school as Lady E. Stratford did, for with the aid of the National Board, he can now do the same work at less expense to himself. On the other hand he is clearly bound to keep up the school, and to do all the matters that the National Board are not bound to do. The parishioners name £90; Captain Dennis names £65; and in the draft scheme, Mr. Justice O'Brien and I adopted £85 as a basis for discussion. We are open to consider the amount, but if we are satisfied that with a local aid of £65, Captain Dennis can keep up the school properly and well as a National School, I would not be inclined to increase that amount. It is to some extent his misfortune that he has to pay this £800, but he must do it. There is one matter more—*about time*. Within the last two months, this case came again before the National Board on a report from their Inspector that nothing had been done, and that the grant ought to be stopped. If the grant is stopped, you will be all in Chancery, for then anyone can proceed to enforce the trust. I was surprised to learn that nothing had been done; but I mentioned to the Board how the thing stood, and they have made an order, which has been communicated to Captain Dennis, extending the grant till June 30, 1894. There will be no further extension; it will be withdrawn if the school is not in operation then. There is no time to lose about it; but if we can to-day come to an understanding, and get the Scheme into shape, the building can proceed in the mean time.

while the Scheme is maturing. I have now stated the tenor of the case, and I think it would be better that figures should be agreed upon, and that we should try earnestly to provide for the immediate establishment of a building of a good school, which may not be exactly what Lady Bradford would have wished, but which will be as near to it as the changes of circumstances will allow. If there be a give and take on both sides, the matter will be settled. We will now first hear Mr. Drury, representing the manager of the school.

Mr. Drury.—The manager of the school, Colonel Dennis, is fit and capable to be here. He is a brother of the late Mr. Dennis. As to the objection of the parishioners that Captain Dennis should be obliged to spend the whole £1,715, I don't think there should be any misunderstanding about that. He was not bound, I admit, by the order of the Court to expend £1,715, but he was bound—and he admits himself to be bound—to carry out the obligation under the Will of Lady Bradford, that he should build proper schools and maintain them as they were before. I have in my hand a copy of the Arbitrator's final award, and the various items are there set down.

1913. Lord Justice FREEMAN.—What does it mean to fit the school premises?

Mr. Drury.—£770 appears to be the amount for the school, and £200 for some site in connection with the school and the residence for the teacher. So that the master was any obligation to spend £1,715, but was very much less than that.

1914. Lord Justice FREEMAN.—The draft award was £1,359 8s. 1d., and the final agreement was for £1,715. The original award of £650 for the schoolroom was increased to £770. Were "Miss Robinson's and Mr. Lawlor's houses," mentioned in the trust, included in the school premises?

Some one present said "yes."

1915. Lord Justice FREEMAN.—The draft award in those houses was £110, and the final agreement was £243, so that there was a rise of £132 on that. They are not included in the "school buildings." "School ground £150 18s. 7d." is increased to £218 10s. Therefore in the final amount paid into Court, the unundertaken valued property was £1985 15s., and there was £243 more for the houses, besides all the materials of the old buildings.

Mr. Drury.—In any case, no matter what the sum of the award was, all the obligation cast upon Captain Dennis was to build a proper school and to maintain it.

1916. Lord Justice FREEMAN.—To build a schoolroom according to plans submitted to the Court. What were those plans submitted?

Mr. Drury.—There were. That obligation he does not make from. He is quite willing to carry everything out under that. One word as to the delay. There has been very great delay, but it is not entirely the fault of Captain Dennis. There were four sites chosen, one after the other. The last site is that of Cook's Field. In October 1891, Captain Dennis had a protest from all the parishioners against one of the sites, that near the objectionable inn, which of course caused delay, and there was further opposition about other sites; these things caused inevitable delay which was not the fault of Captain Dennis.

1917. Lord Justice FREEMAN.—What is the present condition of affairs as regards the site?

Mr. Drury.—I understand that we are prepared to acquire Cook's Field, and I don't know that there is any objection to it. The architect makes some objection about drainage, but that I suppose could be removed.

1918. Dr. TRAILE.—Is the tenant still ready to take £50?

Mr. Molloy.—The tenant is willing to take £50.

1919. Dr. TRAILE.—It is stated that an acre can be obtained from the tenants of Cook's Field for £5.

Mr. Drury.—That is for the tenant's interest only. I believe that is settled. I don't think any difficulty will arise about that.

1920. Lord Justice FREEMAN.—Captain Dennis's letter says that part of an adjoining field is to be thrown in.

Mr. Drury.—We could settle all by having a plan of the ground that is to be acquired, and putting it into the hands of the Commissioners. We won't raise any difficulty about it.

1921. Lord Justice FREEMAN.—The way to do it—before we go further—is to get a tracing of the Ordnance Survey, and to mark the site on it, and if Mr. Molloy on the one side and your solicitor on the other will initial it and send it here, we will refer to it in the Scheme as a map agreed on. Then you are all agreed on Cook's Field as the site! How much land do you want?

Mr. Molloy.—An Irish acre.

Mr. Drury.—I think we may look on the site as settled. I understand there was an arrangement by which the parishioners were to take the tenant's interest.

Mr. Molloy.—We are prepared to pay £50.

Dr. TRAILE.—If they can get an Irish acre for £50, they should have it.

1922. Lord Justice FREEMAN.—I am to put down that the parishioners are to provide £50 to pay for the tenant's interest.

Mr. Drury.—Yes, towards the purchase of the site.

1923. Montague MONKTON.—Do you stand to the £500?

Mr. Drury.—Yes.

Captain Dennis.—I understand that £50 was to be advanced towards the cost of the site if we got a statute acre!

Mr. Molloy.—No, as compensation to the tenant only.

Mr. Drury.—If the amount of land was understood between the parties to be a statute acre, why should that be departed from?

1924. Mr. TRAILE.—Why object to the Irish acre?

Captain Dennis.—They are not paying for the tenant's interest. I have to acquire the site, and they are to pay the £50 to me as compensation for the site. I have agreed to pay £50, and why should I be put to more expense? The landlord wouldn't accept £50 for an Irish acre.

1925. Dr. TRAILE.—If £50 won't purchase an Irish acre a statute acre should be taken.

Lord Justice FREEMAN.—The tenant is not a tenant of Captain Dennis, and he has to buy out the landlord too. You had better leave it at a statute acre. That is enough for any school unless you want an agricultural school. If the leasehold land be taken you will have the schoolmaster cultivating it instead of attending to the school.

1926. Dr. TRAILE.—If the money will purchase an Irish acre, let them have it.

Rev. Dr. WILSON.—That's only the tenant's right. It would not purchase the landlord's interest.

1927. Dr. TRAILE.—In the old place, there were only three rods and a half.

Mr. Molloy.—Captain Dennis offered the new site of an acre. The parishioners said that if Captain Dennis bought out the tenant's interest, it would save him from giving his own land. Mr. Usher tells me that if an Irish acre be not taken, there will be no garden for the teacher.

1928. Rev. Dr. WILSON.—A quarter of an acre would be enough for the teacher's garden.

Captain Dennis.—The old site, before my father's death, was not a statute acre, and there was no complaint.

Mr. Drury.—Now, as to the £500. I submit that Captain Dennis is bound by his letter to the Commissioners of Charitable Bequests to spend £800, and he is willing to do it. But his pecuniary obligation goes no farther than £500. The cost of obtaining

2043. Mr. DRURY.

the site is outside the £300, and for schools such as were intended under the Will of Lady Bradford, the Court of Chancery would be very unlikely to say that the £300 was unreasonable.

2044. Dr. TRAILL.—He says in his letter that he will provide a suitable site, and will expend £300.

Captain Dennis.—That I would provide a site on my own property. There was no question then as to a site on any other place.

2045. Lord Justice FIRTH-GRIFFITHS.—He is bound to provide a suitable site.

Captain Dennis.—I can provide a suitable site on my own property, but the parishioners won't have it.

Mr. Drury.—Even supposing that he is bound to get a site, over and above £300, at any rate an expenditure of £300 for the buildings would be reasonable.

2046. Lord Justice FIRTH-GRIFFITHS.—What are you driving at? Is there any more in the Scheme?

Mr. Drury.—There is not; but we stand by the £300.

2047. Lord Justice FIRTH-GRIFFITHS.—If you get this £300 from the parishioners, you will provide a site, and spend £300?

Captain Dennis.—Not purchase a site—I will provide a site. I am willing to do it of my own free will to oblige the parishioners.

2048. Lord Justice FIRTH-GRIFFITHS.—You seem to draw some distinction between providing a site and purchasing a site. Do you mean that you will get a site free from liabilities?

Dr. TRAILL.—Do you mean that the school property is to be held for rent?

Captain Dennis.—No; I am to provide £300 only out of my own money. If I were to purchase a site, I should have to provide £300. It would be easier to give a site on my own property.

2049. Dr. TRAILL.—I thought the site was agreed upon.

Mr. Drury.—Cook's Field is agreed to.

Rev. Mr. Fisher.—If Captain Dennis builds the school according to the plans submitted to the Court of Chancery, it could be done for £300, which would leave a margin of £300. A local man could be got to do the work for that amount.

2050. Lord Justice FIRTH-GRIFFITHS.—Are we to put into the Scheme, that the site is to be Cook's Field, which is not on Captain Dennis's property, and that Captain Dennis has consented to provide that site on the parishioners paying £300 to be applied towards the expense?

Mr. Drury.—Yes.

2051. Monsignore MOLLOT.—We understand that the £300 is to be over and above providing the site.

Mr. Drury.—Yes, certainly.

2052. Dr. TRAILL.—Supposing that a sum of £657—the amount on one of the plans before us—does for the school, what will become of the rest of the money?

Lord Justice FIRTH-GRIFFITHS.—The final approval of the building should rest with the Commissioners of National Education. If they are content with the buildings proposed, and pass the plans, and if less than £657 should be expended on them, Captain Dennis will get the benefit of it. It will go towards whatever he has to pay for the site, over and above the £300.

Captain Dennis.—Anything over £300 will be purely voluntary on my part.

2053. Lord Justice FIRTH-GRIFFITHS.—You are to provide a suitable site of Cook's Field as a site, free of rent, and you are to erect a school building to the satisfaction of the Commissioners of National Education, and then you can make the best of the money. But whatever it costs, you must pay, the parishioners contributing £300.

Mr. Drury.—The next thing I have to address myself to is the annual amount to be paid by Captain Dennis. He feels that some limit should be put to

his liability. It is very unlikely that in the future these schools will become larger or more important, or be attended by any great number of pupils; but, if they should, he would become liable to increased expense. Therefore, a line should be drawn, and his expenses of upholding the school should be fixed at some definite sum. He states that the average amount that has been paid during a great many years for the maintenance of the school is not in excess of the sum he has named, but rather under it.

2044. Dr. TRAILL.—Does that include the payment of the teacher?

Mr. Drury.—Yes.

2045. Lord Justice FIRTH-GRIFFITHS.—How did you spend £65 last year?

Captain Dennis.—£30 salary to the mistress, and 25 guineas to the master in addition to what we get from the National Board, and the rest in allowance for lighting, repairs, and books.

2046. Lord Justice FIRTH-GRIFFITHS.—The expenditure on the place you are in now is very little.

Mr. Drury.—So it ought to be. But with the school under the National Board, and with the results fees, £65 would be far more than Captain Dennis would otherwise be likely to have to provide. His contribution would be properly applicable to the maintenance of the buildings. The maximum ought to be £65.

2047. Dr. TRAILL.—That is supposing the National Board salaries are paid. If they should be stopped, he would be liable for the whole expense of maintaining the school, but that is unlikely. £65 would be ample to keep the school up as a National School.

Mr. Molloy.—According to the report of the Endowed Schools Commission of 1858, £90 a year was paid for three teachers.

Monsignore MOLLOT.—But a portion of the £90 would now be paid by the National Board.

2048. Lord Justice FIRTH-GRIFFITHS.—You are talking now of Captain Dennis's private saving, by having the school under the National Board. If the school should lose the National Board grant, the full trust would come into force and he would have to maintain it himself. The only money that we would undertake to measure is the money that he is to pay as local aid to a National School. As long as he maintains the school as a National School, he is welcome to do so, and I think it would be for the benefit of all parties that it should be done; but if, through any action of Captain Dennis, the school should cease to be a National School, then he would have no right to have any amount measured at all. £65 a year would not sustain the school as things are now. We have seen miserable schools, where the teacher only got £30 a year, under the Church Education Society, but no National Teacher would look stonying less than £70 a year.

Mr. Drury.—The safety of Captain Dennis and also of the parishioners will lie in its being under the National Board.

2049. Lord Justice FIRTH-GRIFFITHS.—The Scheme must show on the face of it that whatever composition will be to be supplemented by National Board grants. If the supplement is lost, we will fix no sum, and the owner of the estate must fulfil his trust, and maintain an efficient school at his own expense.

Mr. Drury.—I submit that £65 is a maximum, and even an excessive sum, if anything, in addition to the amount payable by the National Board. It is far more than could be spent on maintaining the school, which could not cost more than £10 a year.

2050. Lord Justice FIRTH-GRIFFITHS.—The proper way is to alter the Scheme where it gives the Governor any option about its being a National School. The Governor should be bound to keep it in connection with the National Board, both for the efficiency of the school, and to relieve Captain Dennis; but we will insert a provision that if the school should not be kept in connection with the National Board, through

by default of the owner of the estate, or any cause by which he is responsible, then he is to be bound by all the conditions of the Will, which shall in that case be left to work themselves out.

Mr. Drury.—As far as I can see, it should be complete indemnity, whether the school be a National or not.

1851. Lord Justice FITZGERALD.—Certainly not; I will make it clear to you that we cannot make a payment of £65 a year a complete indemnity to Captain Dennis, unless the school is a National School. Do as his father made was:—"I am advised that if I can get money from the National Board, I am at liberty to pay myself." But if he does not get it from the National Board, he must pay himself.

Mr. Drury.—But, then, all the other conditions would arise and Captain Dennis should have the same control of the school that his father had.

1852. Lord Justice FITZGERALD.—Yes, but with the same liability. I think the provision as to the £65 will be accomplished by a condition that, in the event of the school ceasing to be managed as a National School under the Scheme, there should be no discharge of Captain Dennis or of his estate at all, but he should be thrown back on his liability under the Will.

Mr. Drury.—That might involve us in a Chancery suit.

1853. Lord Justice FITZGERALD.—And so it ought; won't help that. We will keep you out of it if you bring up a good National School, has no longer or deserves.

Mr. Molley.—Limit it to £90 a year. We can see that—in Lady Stratford's time—there were less schools—a male, a female, and an infant—and ten masters with £10 a year each; have that put in the Scheme as so to avoid Chancery.

1854. Major-General MELLOR.—If Captain Dennis gets £65 a year, and you get what you can from the National Board, it will make a good deal more than £65.

Lord Justice FITZGERALD.—But, if they cut still from the National Board and try to work the school on the Endowment alone, £90 a year would never go near keeping the school up as it was left by Lady E. Stratford. They must either go under the Will or under the Scheme. If they go under the Will it won't do to let them have a wretched fund with a teacher getting £50 a year—a miserly educational institution. Lady E. Stratford had, at the parochioners are entitled to have, a good school, no matter what it costs.

Mr. Drury.—And such buildings as the Court of Chancery would say would be a compliance with the law. I think, under this Scheme, we would be safe if we're discharged of everything.

1855. Lord Justice FITZGERALD.—As long as you pay the £65 a year.

Mr. Drury.—That is what we wish; but it is remarkable that, if at any time it should fall from under the control of the National Board, the Scheme should be blotted out altogether and the parishes restored to their original rights.

1856. Lord Justice FITZGERALD.—We will provide for maintaining the School as a National School; we will provide for upholding the buildings and for doing all that is necessary, so long as the owner of the estate pays £65 a year as local aid; but, in the event of its failing to be a National School, then all parties must be restored to their original rights.

Mr. Drury.—That disposes of the items of finance. There are several minor objections to the Scheme.

1857. Lord Justice FITZGERALD.—Including some that would alter the whole thing.

Mr. Drury.—There are some that I don't press, but I press that which seeks that the Incumbent shall not be an ex-officio Governor. He has the religious duties of his children to attend to, and that is sufficient without looking after the educational part. This objection arises principally on account of a misunderstanding

standing that has arisen, since the death of Mr. Dennis, between the present Incumbent and the owner of the estate: and though I regret to have to state it, I am instructed to say that the owner of the estate has a great objection to the present Incumbent being an ex-officio Governor of the school. He believes that it would lead to constant friction. The Incumbent has shown himself to be very much opposed to the owner of the estate, opposing him and his plans in every possible way, and the letters that have passed between the owner and the Incumbent, and between the Incumbent and some of the Commissioners, show the tone that has been adopted by the present Incumbent. Therefore, the owner objects entirely to his being an ex-officio Governor. He says that it is, not necessary—in a school of this sort, under the National Board—that the Incumbent should be an ex-officio Governor, and that it would be better that all Incumbents should, in future, attend simply to the religious instruction of the children. As far as the school is concerned, it could be worked very well by Representative Governors elected by the subscribers.

1858. Dr. TRAILL.—Are there any other Protestant denominations in the parish?

Mr. Drury.—I think not. There are no Presbyterians.

1859. Dr. TRAILL.—Is it a matter of such great importance?—Under the National Board the manager has the whole power.

Captain Dennis.—I shall not have the power now. Whenever I am absent—as I chancily shall be—I shall have no power to appoint a manager, and the Governors would elect a chairman, who would in all probability be the Incumbent, and he would go contrary to me in every way he possibly could.

1860. Lord Justice FITZGERALD.—Whom would you like to have as manager, in your absence?

Captain Dennis.—I should like to nominate my uncle.

1861. Dr. TRAILL.—That is, as lay manager.

Lord Justice FITZGERALD.—It is a parish school, and in all the cases we have hitherto dealt with, there is not an instance in which the Incumbent has not been given a voice in the management of a parish school. We have one other case in the North of Ireland still to be considered, where the Incumbent is at loggerheads with the owner, but we have made the Incumbent a Governor in the draft scheme. If you put him out, the thing won't work.

Mr. Dugy.—During the interregnum that existed between the death of the late Lady Aldborough and the time that Mr. Dennis obtained the property, the school became derelict, and it was the Incumbent who by public subscription kept it going.

Captain Dennis.—I am sorry to say that the Incumbent was reported by my uncle for his neglect of the school. I am informed so.

A gentleman present said he was informed that Mr. Usher asked Mr. Dennis to fix an hour for religious instruction, and that he would not do so. Mr. Usher wished that the hour for religious instruction should be after the school instruction.

1862. Dr. TRAILL.—That was unreasonable. The manager has a right to fix the hour for religious instruction; and the proprietor for giving it is the hour when the children go in, no matter what any clergyman says.

Mr. Drury.—As far as the present Incumbent is concerned, Captain Dennis fears that the friction will be so great that it will interfere with the proper working of the school.

1863. Lord Justice FITZGERALD.—When he gets the new school, you will get on better. If you put the Incumbent of the governing body, you will simply upset it. He is not in even as good a position under the Scheme as other Incumbents, for he is not the manager of the school. And you must remember that he has had every reason to be indignant at the condition of the school up to this.

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Mr. Drury.—I pass from that with the remark that, as far as Captain Dennis is concerned, he has a strong objection to his being on the governing body. He has had experience in the matter and he knows what his views are.

204. Dr. TRAILL.—If he gets the appointment of the manager during his own absence, will he be satisfied?

Lord Justice Finsen.—The rules of the National Board require that the manager shall be resident within a reasonable distance of the school.

Rev. Mr. Usher.—The present manager has not been residing, and the result is that there has been nothing but mismanagement. The teachers have been quarrelling and fighting with each other in the presence of the children, and not only boxing each other, but battering the heads of the children.

Dr. TRAILL.—Then the jail is a good place for the school under the circumstances.

205. Lord Justice Finsen.—Our provision for the appointment of a manager is subject to the National Board's regulations. If they don't approve of the person appointed, they will appoint somebody else. I think you should take into account, in judging of the Incumbent's action, that the school is very badly managed now.

Mr. Drury.—I don't press it further than I have done. With regard to clause 4 which provides that the Representative Governors named shall hold office for a certain period, and which also provides for the appointment of subsequent Representative Governors, Captain Dennis objects to the Select Vestry being given the power of appointing two persons. He says it would be more reasonable and proper that the future subscribers should have the power under clause 5 of appointing the Governor.

206. Dr. TRAILL.—Are the Select Vestry going to pay anything towards this school?

Mr. Drury.—No, it appears not.

207. Lord Justice Finsen.—There is £30 to be made up in subscriptions, and if you give us the names of the subscribers we could name some of them in the Scheme as Governors, and let you start.

Mr. Molloy.—The difficulty is that the sums are too high.

Mr. Drury.—For my part, I think that as far as the owner is concerned, it would be better for him to have the Select Vestry appoint the Governors; but he thinks it would be better that outsiders should be induced to put their hands in their pockets.

208. Lord Justice Finsen.—In country parishes such as this, a subscription of £10 in one sum is a thing you hardly ever get; and even for the particular purpose of whipping up this school, there is only one £10 subscription in the lot. Even £1 annually is a large subscription to give to a parish National School such as this. If you will reduce the money qualification, I should be content, as long as there are subscribers, to let them have the appointment of the Governors, without the influence of the Select Vestry. But if there should be a failure of subscribers, then I think the Select Vestry should have it. After what has happened, we cannot put the school again into the hands of the owner alone. In the case of the parochial maintenance fund, I find in the list before me, several pounds, and a good many ten-shilling subscriptions. I think that would be a fair qualification for the school too.

Dr. TRAILL.—According to the Hewettson Scheme, as long as the Select Vestry contribute not less than £10 annually, they are to appoint Governors.

209. Lord Justice Finsen.—The Vestry there get more value, because it is a boarding school of a different class altogether from this, and they are allowed to use it as a parochial school. If you have ten persons subscribing £10 a piece, that would be £3 a year, and the same persons would probably be members of the Select Vestry and subscribers—they might be allowed to elect Governors, and if there should fail to be subscribers enough, the appointment should go to the Select Vestry.

Dr. TRAILL.—That would be a provision as not paying.

210. Lord Justice Finsen.—No doubt, but we must in all cases, represent the parents of the children.

Mr. Dwyer.—If the Select Vestry paid £5 a year, they might be allowed to put in a Representative Governor of their own.

Mr. Drury.—That would be a fair way of settling it. It would be fair that the Select Vestry should subscribe a certain sum if they elect.

211. Dr. TRAILL.—They should not use the same money twice. If they pay £5 a year as the Select Vestry, they should have one Governor. If the money is paid by private subscribers, the figures should be put down to them separately.

Mr. Drury.—Give the Select Vestry a right to elect if they subscribe £5 a year.

212. Dr. TRAILL.—That is what we did in the Rathdowne Scheme.

Mr. Drury.—There ought to be every encouragement given to the subscription of money.

213. Lord Justice Finsen.—Dr. White suggests that the parents of the children should be qualified to vote. If we make the £10 qualification £1, the annual one £10, and add the parents of children who have been, say for a year on the roll, and give the Select Vestry an additional Governor if they subscribe £5 a year, I think that would give you a Governing Body that would work.

Mr. Drury.—I think that would be reasonable.

Dr. TRAILL.—The Select Vestry's £5 must be exclusive of the sum for which members of the Select Vestry are to vote as subscribers. If they want to vote in a double capacity, they must pay double. They cannot use the Vestry subscription for the purpose of voting as outside subscribers.

214. Lord Justice Finsen.—Understand how this will work. The Stratford Lodge proprietor and his nominee would make two. If he is not there, he appoints his deputy, so that he has two Governors in any event. Then, supposing we don't yield to his objection, there will be the Incumbent at the other side, and the subscribers, if there be enough of them to start with, will electors from the beginning. That would make two and two, and those with the Bishop or the Bishop's deputy, ought to work well. The owner will always have two, and unless the Incumbent is very unreasonable, in which case we would hope to find him a minority of one, he at the outside could have only the one representative of the subscribers at his side, then the Bishop or his deputy would come in as an outside authority to decide between you. If the Select Vestry give £5 a year, they would have an additional Governor, and even then, with the Bishop or his Deputy, it would result in a tie, and the Bishop could be sent for, in the case of any serious dispute, and chairman would have a casting vote. I think that ought to be fair, subject always to Captain Dennis's objection to the Incumbent.

Rev. Mr. Usher.—As to my unreasonable opposition to the Dennis family, I think it only rests in the mind of Captain Dennis.

215. Lord Justice Finsen.—Well, I hope before long, it will only exist as a matter of history.

Mr. Dwyer.—I think there should be a clause disqualifying Governors who don't attend board meetings for two or three years.

216. Lord Justice Finsen.—We have made that provision in some cases, and not in others. It is an objection to it that the result is to disqualify a man who has been away for a time, and comes back. On the other hand, you have the remedy in your own hands, by not electing a man who has been absent without good cause.

Mr. Dwyer.—There should be some limitation with respect to residence.

217. Lord Justice Finsen.—That would only apply to Captain Dennis and his representative, for the other Governors will all be local people. If he assented

with a Governor who is not there, he throws away his interest. You may trust him to appoint somebody who will look after his interests.

Mr. Drury.—I think it would be better to have the Bishop of the diocese a Governor, and that he should nominate his deputy. The Bishop should be one of the Governors if he should be willing to act, and if he does not come, he should have power to appoint somebody.

Dr. TRAILL.—Be it will.

Mr. Drury.—With regard to clause 8, Captain Dennis suggests that the technical education and other departments mentioned there were never contemplated by Lady Stratford, and that if these should be given, it will be at the cost of the ordinary education that was intended to be provided in these schools.

207. Messager MOLLOY.—If you look at clause 11, you will see that the Governors are empowered to make additional endowments.

Lord Justice FITZGERALD.—And besides, technical science may be given in National Schools, and military education is paid for by the public grants.

Mr. Drury.—When you have not subscribers, and only £55 a year, with whatever contribution is provided by the National Board, if the Governors start technical schools, it will exhaust the funds.

208. Lord Justice FITZGERALD.—Make your mind up. This will be a National School, and the National Board insist first on elementary education, and until that time has been given to it, you are not allowed to give technical education. You could not do a better thing at Baldingside, with £55 a year to spare, than have an evening school or technical instruction whereby the young people would learn the use of their hands.

Dr. TRAILL.—If you have a margin you could not do a better thing than build a workshop, and you would get a grant from the National Board for it.

Mr. Drury.—Clause 18 provides that the owner shall be Chairman of the Governing Body. We suggest that it should be put in that he should have power to nominate his deputy.

209. Lord Justice FITZGERALD.—You want both time, and in clause 14 that the deputy shall be in your hands.

Mr. Drury.—Captain Dennis must be away for a considerable time, and it is only fair that when he is paying £500 as the owner of the estate, and providing £55 a year, he should have somebody at it.

Mr. Molloy.—I don't know whether you wish me to give any proof of the state of the schools in the

time of Lady Stratford, but I can prove that there were then three distinct schools, a female school, a male school, and an infant school. There were three teachers. Each of them was paid £30 a year; and the centre building was the residence of two of the teachers. (Refer to picture). The separate building on the right was the infant school, and in the wings of the main building there were the male and female schools. In the time of Lord Aldborough, the male, female, and infant schools were all kept up under the Earl of Aldborough as immediate lessor, and the poor law valuation of the premises was £16 a year. The returns given by the Commissioners of Endowed Schools in 1858 and 1879 show the existence of the three schools, with the three teachers at £30 a year each. That proves that the cost of maintenance was at least £100 a year; and we say that the rental of the property is between £400 and £500 a year at the present moment, and that the entire of that is applicable to supply whatever is necessary to keep the schools open. Of course as Lord Justice FitzGibbon has said, the National Board having come in, we cannot insist on the owner's providing all that out of his own pocket, but we do ask that the annual contribution of £55 should be increased. We wish to have as much power as possible for the purpose of educating the children, and, as the Lord Justice has thrown out, work might be done in the evening. No doubt the schools were originally elementary; but nowadays education is such an important element that the man who is without it might as well be out of the world; and we suggest that instead of Captain Dennis receiving at least £400 a year from this property, he ought to contribute a larger proportion of the cost than £55 a year. He treats his giving £55 a year as a sort of gratuity to us. We say it is not a gratuity.

210. Lord Justice FITZGERALD.—Nobody supposes that it is.

Mr. Molloy.—But supposing that we fall below the number limits of a National school £55 a year would not be enough for us at all.

211. Dr. TRAILL.—The less children you have in the school, the less your expenses will be.

Mr. Molloy.—But we must keep up our qualification.

Lord Justice FITZGERALD.—And if you insist on more schools than one, you can't do it. We should like now to have the evidence of anyone who can tell us what the arrangements were in the old lady's time.

Mr. Peter Douglas sworn and examined by Mr. Molloy.

212. You were I believe a former agent of the late Mr. Maude Dennis I—Yes.

213. Do you remember the existence of these schools for a great number of years back I—About fifty-five years.

214. What is your earliest recollection of the state of them I—There were three distinct schools. Miss Robinson was the teacher of the infant school when I first knew her. Mr. Haines was the male teacher and Mrs. Haines the female teacher. She was afterwards married matron of the workhouse, and Miss Robinson was moved from the infant school to the female school, and she remained the female teacher up to her death. Miss Dillon was appointed to take charge of the infant school. She married Head Constable Mr. Middleton and left the place, and Miss Dunkley—who afterwards became Mrs. Cope—was appointed by the Lord Aldborough as mistress of the infant school. After Lady Stratford's death, Lord Amherst, the nephew of Lady Elizabeth Stratford, afterwards became Lord Aldborough. After Mrs. Cope left, Mrs. Middleton was appointed, and remained for some years. During my recollection there were eight absent teachers in the male school, of whom Mr. E.

Sweeny, the present teacher, is the last. I know only two teachers in the female school, and four in the infant school. It was told in the detached building shown in that print. Originally Miss Robinson held it in Lady E. Stratford's gate-lodge, but at the time Miss Dillon was appointed I am sure it was in the detached building. Miss Robinson came into that building as teacher, and remained in it up to the time of her death.

215. Lord Justice FITZGERALD.—When did she die I—About a year ago.

216. Is she the Miss Robinson that was there at the time the railway came I—Yes.

217. How long was what you call the infant school carried on there I—There were four teachers. After Sweeny came to reside in the dwelling-house belonging to the main school, Miss Robinson was moved back to the infant school building to make way for his family.

218. When did the infant school cease to be maintained I—Mrs. Middleton was the last teacher of it. It was discontinued after Mr. Dennis came in.

219. Were there three schools down to the time that Mr. Dennis came in I—There were. He discharged

Mr. Peter  
Douglas

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Mr. Peter  
Douglas.

Mrs. Middlester. There were two distinct schools from that out. The present female teacher, Miss Cook, never was classed under the National Board.

2103. DR. TRAILL.—What number of children were in the school—I could not tell you. I never attended the school.

2104. What were their denominations?—All Protestants. There was a mixed school up to the time the first National School was built; it is not standing at present, but from the time it was built no Roman Catholic attended the Stratford Lodge School.

2105. Monsignore Muller.—Do you know how many children are in the school at present?—I do not.

Lord Justice Froude.—We have a return of 35 boys and 26 girls in 1881, all Church of England.

2106. Mr. Drury.—When you remember the infant school, was it held in the gate lodge?—Yes.

2107. Was it held afterwards in a house that was known as the "Blanket house"?—I don't know.

2108. Do you know what the "Blanket house" was?—At the time the school was held in the gate lodge, they had a board over the detached building with the words "Peek Shop." A number of ladies used to meet there and distribute clothing.

2109. It was known as the "Blanket house"?—I never heard that. It was known as the "Peek Shop."

2110. And Miss Robinson held the Infant school there, after it was removed from the gate lodge?—I don't know that Miss Robinson taught in it, but Miss Denkley and Miss Cope did.

2111. Lord Justice Froude.—There are important figures in a return of 1858, showing that the school was entitled for 75 pupils. In that year there were 16 boys on the roll, of whom 15 were United Church and one a Methodist. In the girls' school there were 28 on the roll, of whom 24 were United Church and two were Methodists. In the infant school there were 38 on the roll, of whom 26 were United Church and two Methodists, making altogether an attendance of 70. In 1853 the total number was 61. That is the whole number you have to go upon, and under the National system it would be impossible for you to have more than one school.

Mr. Dugg.—Our position is that if we had a first class teacher he would be only entitled under the National Board rules to a second or third class salary because the numbers won't be sufficient. At present the average attendance in the mixed school is 42. We entertain very strong views as to the expediency of dividing it. There are obvious reasons why the boys and the girls should be separated.

2112. DR. TRAILL.—I am the manager of several schools, and I never heard such a ridiculous statement made by any sensible man. Give me any reason why you should not educate boys and girls together.

Mr. Dugg.—A boy may wish to go out or a girl may wish to go out.

2113. DR. TRAILL.—They don't go to the same place.

Mr. Dugg.—I know that some children feel sensitive about getting up to go out in the presence of others.

2114. DR. TRAILL.—Unless there be no proper provision outside I don't understand your objection.

Lord Justice Froude.—I don't see how you could have separate National schools for the boys and the girls. The only place where this objection prevails at present is in the old-fashioned institution over the way. In the Royal University, Belfast College, and in many intermediate schools, where they can't keep up separate schools, grown boys and grown girls are studying together, and it is almost universal to have mixed schools in country parishes.

2115. DR. TRAILL.—It is the most humbugging thing possible for boys to be educated along with girls. It

makes them learn decent and proper manners and prevents a marked separation of the sexes in after life. It is the best thing for both.

2116. Lord Justice Froude.—To come to the thing practically, you cannot have two National Schools with your numbers. If you want to have two separate schools, you must give up the idea of a National School altogether.

Mr. Dugg.—If we had the full endowment we could do it.

2117. Lord Justice Froude.—Even if you get what Lady Stratford herself paid, namely three salaries of £200 each for three separate individuals, you could not by any possibility get efficient teachers in those days. They would not come to you for that. They would have no possessions, and they would be just miserable teachers. The National Board won't give a salary to a principal teacher, with an attendance of less than 35, and you cannot have an attendance of that number consisting of one sex alone. What you can get may not be the best, but it is the best you can have in Ballymena, a male teacher and a workmaiden or female assistant for a mixed school. I am afraid you must be content with that.

Captain Dennis.—I would separate the schools into two, by folding doors, if that would be sufficient.

2118. Lord Justice Froude.—Does Ballymena parish include the whole area from which children would be likely to come?

Rev. Mr. Usher.—I think so.

Witton.—There is a part of Ballymena, and the parish of Stratford, or Rathfran, about two miles off.

2119. Lord Justice Froude.—Would all the children of Rathfran come?—Not the entire.

2120. The total number of Protestants of all denominations in the parish of Ballymena is 316. The total number of Protestants in Rathfran parish is 51, and the total number in Rathfran is 112. Can you give us any information as to the number of children that were in the schools in Lady Stratford's time?—I think sixty would be about the average.

2121. What was the date of the establishment of the first Roman Catholic School?—I think immediately after the National System came into operation.

2122. It was in Lady Stratford's time?—It was.

2123. Which was it or her school there first?—Her school was long before it.

2124. Were many children removed from her school by the establishment of the other?—A very considerable number.

2125. Did many Roman Catholics attend her school?—Some that were close to it attended.

2126. Lord Justice Froude.—I suppose she first established her schools for all denominations in Ballymena, when there was no other school there. Shortly after the National Board came in, a Roman Catholic school was established, and since then the Stratford School has been professedly Protestant?—Practically. There have been no Roman Catholics attending it for a long time.

2127. During Lady Stratford's time the Rev. Henry Scott was virtually the manager of the school?—He was the Curate of the parish.

2128. DR. TRAILL.—Was he any relation of Lady Stratford's?—None whatever.

Rev. Mr. Usher.—I can give you the dates with respect to Mr. Scott. September 2, 1857, was the first time he officiated, and his last Sunday was February 26, 1864. That was long after Lady Stratford's death.

2129. Lord Justice Froude.—He was no relative of hers, but only an intimate friend?—None whatever.

Mr. George Leonard sworn, and examined by Mr. Molley.

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Mr. George  
Leonard.

2128. How far back does your recollection go with regard to these schools?—I went to school to Miss Dennis in the gate-house in the year 1845.

2129. Lord Justice FROGGINSON.—Was that the first school?—Yes; it was held in Lord Aldborough's residence. After Miss Robinson went to the female school, and Miss Dillon came, I went for seven or eight years to her. I was an infant at that time. Then I went to the Boys' school, and was there for nine or ten years.

2130. Dr. TRAILL.—Was there a good teacher?—There was Mr. Grattan, who was the first, and then Mr. Murphy came in. His father taught under Mr. Denis. Then Mr. O'Brien came, and then Mr. Foster. I went to Mr. O'Brien, Mr. Murphy, and Mr. Grattan.

2131. Lord Justice FROGGINSON.—What were the numbers?—There were more than thirty boys in the Boys' school.

2132. How many were in the Infant school at the time you attended it?—Twenty at all events.

2133. Were they all Protestant?—They were.

2134. As long as your memory goes back there was a separate school for the Roman Catholics and one for the Protestants?—I don't know about that. There were no Roman Catholics attending the Stratford school.

2135. I suppose the number was not more than twenty in the three schools?—I don't think it could be.

2136. Mr. Drury.—You don't know whether there was a difference between the Infant school and the others. Miss Robinson was in charge of one?—I went to Miss Robinson, at the Infant school in the gate-house, first.

2137. Where did she go then?—Miss Robinson was not the female teacher in the principal Girls' school, until Miss Dillon then taught in the other Infant school in the gate-house. I remember Lady Elizabeth Stratford belonging to the gatehouse and presenting us with fruit.

The Rev. John Underwood sworn and examined.

2138. Lord Justice FROGGINSON.—How long have you been Incumbent of Balingham?—Since 1876.

2139. When you arrived at Balingham the schools were in the old building?—They were.

2140. How many were in operation?—There were two schools, a Boys', a Girls', and an Infant school.

2141. Was the Infant school then maintained in the "Poor Shop" building?—Yes, as a separate school.

2142. Who were the three teachers?—Mrs. Dennis, Mr. Foster, and Mrs. Middleton. Before that—in 1873 and 1874—I was curate, and Mr. Middleton was teacher. He was appointed to the workhouse, and Mr. Foster—who was there when I came back as Incumbent in 1876—became teacher, instead of Mr. Middleton.

2143. How long was the Infant school kept up as a separate school?—All the time I was there, until Mr. Dennis got possession of the property, and then he dismissed Mr. Middleton. I paid Mr. Middleton's salary part of the time I was there. From the death of the late Earl of Aldborough, his mother, the old Queen of Aldborough, had been supporting the school, and when I was appointed to the parish, she wrote to me stating that it was unfair to throw the whole responsibility of supporting the school upon her, and asking me to make an effort in the parish and amongst the gentry of the neighbourhood to raise subscriptions to help her to pay the three teachers, as she did not like to see the school fall through. I made an effort and got some money. The late Mr. Dennis wished absolutely to give me any support when I was asking subscriptions.

2144. Who was the owner of the estate at that time?—The co-heirs of the Stratford Lodge estate,

2145. Lord Justice FROGGINSON.—Were the Boys' school and the Girls' school always in the building that has the two ends to it?—Yes.

2146. The Infant school was first established in the gate lodges?—Yes.

2147. And it was afterwards moved from the gate lodges to the other building, called the Poor Shop, which is shown in the photograph?—Yes, but the transfer was not made until after Lady Elizabeth's death.

2148. This shows how much of the property taken by the Railway was formerly school property. It would affect the sum of £240, but it is now material only to show that Mr. Meade Dennis got more than £300 for the school premises. (To witness)—What was that building used for, before the Infant school was moved into it?—A committee of ladies used to meet in it and distribute clothing. My father-in-law informed me that Lady Elizabeth Stratford used it for a number of ladies that used to meet there and make clothes for the poor.

2149. It was the "poor shop"?

Mr. Drury.—It was.

Mr. Molley handed in an affidavit from Mrs. Cope. Miss Anderson then produced a book containing accounts of Mr. R. H. Anderson, as agent to the late Earl of Aldborough.

Mr. Molley stated that this book contained entries of salaries paid on behalf of the Earl of Aldborough to teachers in the Stratford Lodge School.

Miss Anderson stated that after Lord Aldborough's death the salaries were paid by Mr. Dennis until 1888. Miss Anderson pointed out items in the book including the following:—19th July, 1856, salary to Mr. O'Brien, schoolmaster, £7 10s., a quarter's salary; 26th January, 1857, teachers' salaries (three) for quarters ending January 1st and 12th, at £7 10s.; £22 10s.; 21st March, repairs of schoolhouse, £3 15s.; January 6th, 1881, quarter's salary to Miss Cooke, £7 10s.

Rev. John  
Underwood.

2150. Lord Tollemache, Mrs. St. John, and Captain Best, and they refused to contribute anything to support the school, unless it was shown that they were legally liable to do so.

2151. You then made some effort to get subscriptions?—Yes.

2152. What became of the Infant school?—It was kept up until Mr. Dennis got the property.

2153. What year was that?—I should say about 1878.

2154. About two years after you became Incumbent?—I think so.

2155. How many infants were attending the school when it was closed?—I should say about twelve or fourteen. I am not certain, but I remember seeing the children.

2156. They were taught by one female teacher who got £30 a year?—Quite so.

2157. Who was the teacher in the Girls' school in 1876?—Miss Robinson.

2158. How long had she been teacher?—She was there for many years; I could not tell how many.

2159. Was she living in the "Poor Shop" house?—Not then. She was living in the central building, and the schoolmaster, Mr. Foster, was living on the other side.

2160. How was that arrangement changed?—On the dismissal of Mrs. Middleton, Miss Robinson was transferred to the Infant school building by Mr. Dennis, when he discontinued the Infant school.

2161. Dr. TRAILL.—That was to make way for the master who was getting married!—He had been married.

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Rev. John  
Usher.

2151. Lord Justice FROGGESEY.—Miss Robinson, living in the "Poor Shop" house, continued to teach in the Girls' school!—That's the way it was.

2152. Did she teach down to her death?—Not exactly. When the school was removed to the jail, Miss Robinson went to live in the jail with Miss Cooke, the present teacher. The Commiss of Aldborough told me that she provided for the payment of an annuity to Miss Robinson, and Captain Dennis assured me that it was paid, but I never knew it to be paid.

Captain Dennis.—It was paid.

2153. Lord Justice FROGGESEY (to witness).—Was that by way of a pension?—By way of a pension. The Commiss of Aldborough told me that she made provision for the payment to Miss Robinson of an annuity of £30 a year. Miss Robinson never got a penny of it.

2154. What became of her?—She died.

2155. Who followed her as teacher?—Miss Cooke, who is there still.

2156. When you went there in 1875, about how many girls were attending the Girls' school?—About the same as in the Infant school—twelve or fourteen.

2157. At that time how many boys were attending the Boys' school?—I should say about fifteen or sixteen.

2158. Then the numbers were not greater than they are now?—No, they were not.

2159. Had those teachers any emoluments except the £30 a year?—Miss Robinson told me that they always got fees; they had apartments, and plots of ground for vegetables, and they were paid by the pupils too.

2160. The existing school we saw ourselves, but it is sometimes since we were there. What are the numbers now?—I don't know. I don't go near the school. You could not stand it five minutes, the room is so dreadfully close.

2161. Is that what keeps you out of it?—Well it is, partly, indeed.

2162. Dr. TRAILL.—Have you any Sunday school?—Yes.

2163. What numbers have you in it?—About forty-five or forty-six.

2164. Boys and girls?—Yes.

2165. Monsignor MOLLOY.—Perhaps some of these are children that go to other schools?—Yes. Some of them do not attend the Stratford School. There is another school about two miles off.

2166. Lord Justice FROGGESEY.—Is it not plain that school accommodation for about sixty pupils is the most that you can want?—I suppose so, but it would be necessary to separate the infants from the rest, for it would be nonsense to try to give a lesson of any kind in a school where there were a lot of infants. Of course if the schoolroom were larger it might not be so bad.

2167. Dr. TRAILL.—In any school there must be a separate place for the infants. Nobody ever heard of their being taught together with the others.

Witness.—It is done at present.

2168. Dr. TRAILL.—In the plans is there provision for a separate Infant school?

Captain Dennis.—If there be one large room, I have agreed to divide it into two. The plans were approved of by the Court of Chancery in my father's time.

2169. Dr. TRAILL.—What proof have we that they were approved of by the Court of Chancery?—We have no evidence on the subject before us.

Captain Dennis.—The Commissioners of Charitable Distributions and Bequests have satisfied themselves that they are the plans, and I presume they made inquiries.

2170. Dr. TRAILL.—I don't see that that is any proof that the plans were in the Court of Chancery, for the Master of the Rolls does not appear to have looked into the matter. Surely if you are spending £600 you will have room enough for two schoolrooms.

Captain Dennis.—I maintain that I am not obliged

to build an Infant school, for it never was part of the school.

2171. Dr. TRAILL.—There could be a separate class-room for the infants under the same roof.

Captain Dennis.—I think there should; but I have never seen a National school with more than two rooms. I have agreed to divide the room into two.

2172. Lord Justice FROGGESEY.—The plan shows one schoolroom 33 feet long by 18 feet wide, 11½ feet high at the sides and 20½ high in the middle.

Captain Dennis.—I propose to divide it by folding doors, and to lengthen it by 10 feet.

2173. Lord Justice FROGGESEY.—At all events, the plans must be approved of by the National Board, or they won't give any grant.

Captain Dennis.—They have been approved of by them. The only question is if they were approved of by the Court of Chancery.

Witness.—Do they include a second residence?

2174. Lord Justice FROGGESEY.—There are three rooms on each floor.

Mr. Dwyer.—Under the existing arrangements, the female teachers all have separate apartments. Now there will be only one teacher's residence, and unless you get a married teacher, the female teacher will only get £30 a year, and she will have no free residence.

2175. Dr. TRAILL.—You require an attendance of seventy to entitle you to a female teacher. You can have a workmistress with an attendance of forty.

Mr. Dwyer.—We shall want a female teacher as well as a male. The present teacher is a work mistress. She has free apartments, but when the school is built she will have to board and lodge herself on £30 a year.

Captain Dennis.—The Schools will include that the school is to be built according to a plan approved of by the National Board.

2176. Lord Justice FROGGESEY.—We cannot recognise the Chancery plates as binding upon the National Board, because the foundation of the whole thing is a grant from the Board, which Chancery cannot bind them to give. Within what time will you finish this School?

Captain Dennis.—I spoke to the contractor, and he said that if the winter should be severe, it will check him altogether in the building; and then, if the site isn't obtained—

2177. Lord Justice FROGGESEY.—When will you get possession of the site?

Captain Dennis.—Some time ago, when I was trying to get a site, there were legal difficulties in the way. It is two months since I negotiated with the co-heirs.

2178. Lord Justice FROGGESEY.—How does it stand now?

Captain Dennis.—Owing to the delay, a resolution was passed to put the matter into Chancery, and so I withdrew my promise until I was assured by the Charity Commissioners that they could not force me to build anywhere except on a site on my own ground which I would provide free. Eventually I agreed to build, in order to save the annoyance from such a resolution on the part of the Select Vestry, and their representatives were to take all the necessary steps to acquire a site, and to prove title to it, and to deduct out of the £500 they were to subscribe.

Mr. T. J. Cope, Secretary to the Select Vestry.—I think Captain Dennis is not altogether correct in that.

2179. Captain Dennis.—Have you got the resolution?

Mr. Cope.—I have, in the minute book.

2180. Lord Justice FROGGESEY.—The end of all this will be, that the 30th of June will come on you, and you will not get another day from the National Board.

Mr. Dwyer.—The tenant is willing to let us have the statute acre for £30. Captain Dennis is negotiating with the landlord for the purchase of his interest. There is where the delay arises; but then

ought to be very little delay, because the question of title would be very easy to get over, inasmuch as it is part of a field which Captain Dennis's father purchased as part of the site for a church, and the title was investigated eight or ten years ago.

M.R. Lord Justice FIRZGIBSON.—If you go looking at the title, as if you were buying the whole estate, you will never get it at all. Have you any agreement with the owners?

Captain Dennis.—It was distinctly left to the Testator, on account of their having passed a resolution when I was doing my best. I have done nothing more than make an offer. No contract has been made with the co-heirs. My brother-in-law, who is my agent, is in communication with the co-heirs' solicitor as to what they will accept.

M.R. Lord Justice FIRZGIBSON.—You must realize your position. It is for you, and not for the Select Vestry or anyone else, to negotiate with the co-heirs, if you don't want your estate sequestered.

Mr. Cope.—We tried, and we could not do it.

Mr. Drury.—If they let the thing alone, and don't agree any resolutions, it will be done.

M.R. Dr. TAYLOR.—You ought to see that there is a good letting of the land from November to May.

Mr. Cope.—Captain Dennis, since the Select Vestry stood in the matter, has there been any pecuniary benefit to you?

Captain Dennis.—None whatever.

Mr. Cope.—We are trying to avoid it.

M.R. Lord Justice FIRZGIBSON.—You are at it for at least four years, and unless this thing is finished at the school ready to be opened, the National Board will stop the salaries on the 30th of June.

Mr. Drury.—When will the revised Scheme be ready?

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Rev. John  
Wilson.

2185. Lord Justice FIRZGIBSON.—We will bring it out in between a fortnight and three weeks, but you must not wait for it. If we pass no Scheme you will be in the Court of Chancery.

Dr. TAYLOR.—The money that you would spend in the Court of Chancery would build the school three times over.

2186. Lord Justice FIRZGIBSON.—We will revise and sign the Scheme, on the lines indicated to-day, and send it to the Lord Lieutenant. It will then be open to anybody to present objections to the Privy Council, and if those succeed, the only effect will be that the Scheme will come back here, and two or three months more will be gone. The result of all will be that, if you don't get a Scheme from us, our hands will be washed of the transaction, and you will have to go to the Court of Chancery and raise the heat of it there. I therefore hope you will see, on both sides—as I think you are inclined to do—that your best course will be to take the best Scheme you can get from us, and not go to the Court of Chancery, which would end in ill-feeling, and probable disaster to both the school and the estate.

Captain Dennis (addressing Mr. Cope).—Am I to do it or you?

Mr. Cope.—It is you only who can deal with the co-heirs.

Lord Justice FIRZGIBSON.—It is for you, Captain Dennis, to get possession of the site, and the Select Vestry will contribute £50; they say the occupying tenant has agreed to give up the possession for £50, but you are the person to provide the site, and produce the conveyance.

The Inquiry then terminated.

## PUBLIC SITTING—SATURDAY, OCTOBER 21, 1893.

Oct. 21, 1893.

At the Court House, Dundalk.

Inquest.—The Right Hon. Lord Justice FIRZGIBSON, Judicial Commissioner; and the Right Rev. GERALD MOLLOT, D.D., D.Sc., ANTHONY THAHLA, Esq., LL.B., M.A., F.R.A.S.; and Rev. Dr. WILSON, Assistant Commissioner.

The Assistant Secretary, F. REDMOND, Esq., B.A., was in attendance.

### SCHEME No. 145.—THE VISCOUNT LIMERICK ENDOWMENT.

#### OBJECTIONS AND AMENDMENTS.

2187. Lord Justice FIRZGIBSON.—This sitting is to consider the objections to the draft scheme for the Dundalk Endowed Grammar School, which was published on March 31, 1892. Since that date some new points have been raised with reference to its enforcement, and some observations have been made upon the scheme; among other things, it is observed by some of those who have now sent forward objections, that they had not realised the importance of the master, their own interest in it, or the scope of the proceedings of this Commission. We find that not an uncommon state of affairs among people whom we might suppose to be interested in Irish educational movements, many of which have been of little or no use for many years, while those who had the right to them, and might have looked after their own interests, either knew nothing about the condition to which the endowments had been reduced, nor anything of the proceedings that were taken with a view to revive them.

This remark having been made in the case of the Dundalk Grammar School, I think it well to mention briefly the proceedings already taken, the nature

of the endowment, the proposals made in the draft scheme, the objections that have been put forward to that draft scheme, both in principle and detail, and also the course which we are bound to take, now that the matter has reached its present stage. The endowment is small and old. It was founded in 1725 by Viscount Limerick, and consists partly of a rent-chARGE and partly of school premises. The school premises were, to a considerable extent, not derived from Viscount Limerick but from Thomas Purse, of Bagenalstown, an ancestor of Lord Clermont. In 1725 there was a Municipal Corporation in Dundalk, known as the Bailiff Burgesses and Commonalty of the Borough, and they seem to have been in litigation with Lord Limerick about some bog and common lands in or near the town. The deed of foundation is not very full, but it would appear that the litigation was settled by an arrangement by which the Corporation released to Lord Limerick forever all claims upon these bog and common lands. Whatever that claim was it does not seem to have been admitted, but as a sort of consideration for giving it up, Lord Limerick granted a perpetual rentcharge of £50 Irish currency.

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equivalent to £45 2s. 1d. sterling, out of all his estates, which are now Lord Boden's property. That annuity was declared by the deed to be secured, out of these estates, "For the encouragement and support of one or more schoolmasters to teach the English and Latin tongues within the Borough of Dundalk or the Liberties thereof for ever." The education which it was intended to encourage and support was grammar school, or higher education, it was not elementary education, but classical education, and therefore there can be no claim upon this endowment for any purpose of mere elementary education. Elementary education since that date has received large, if not lavish, assistance from the State; grammar school education until recently got little or no public support, and in every view of the matter, the class of education which we have to endeavour to encourage and support with the help of this endowment is still, as it always was, grammar school education.

The next point is that it is clearly a local endowment, the schoolmasters who were to be encouraged and supported were to teach English and Latin within the Borough of Dundalk or the Liberties thereof for ever, and we have to bear in mind the intention of the founder—for our purpose Viscount Limerick was the founder in granting this rent-charge—in anything we may do with the money now. In 1728, three years after that rent-charge was granted, another deed was executed under which the School premises, a portion of the endowment now available, are still held. Thomas Fortescue gave a lease for 999 years at a rent of 6d. Irish, survey of the plot of ground on which the Dundalk Grammar School is still standing. It appears from the lease that all that was then demised was 1 rood 28 perches, the site of the building and outbuildings of the present School. At the rent of 6d. that property clearly was a valuable gift by the lessor, and plainly it was given in consequence with Lord Limerick, because the property was described as the plot of ground upon which buildings for a Free School had been then lately erected by Lord Viscount Limerick. From 1728 to the present time, the rent-charge of 6d. Irish has always been paid to the master of the School which was held upon the premises demised in 1728, and therefore the identity of the premises and the unity of the endowment, if I may so call it, seem to be established. There is a valuable plot of ground connected with the School, consisting of a garden containing 3 roods 25 perches, which is not described in the lease, but we have evidence, uncontroverted up to the present, and, as far as I know, not now capable of being controverted, that, for at least 100 years, this piece of land may have been treated as part of the School premises, held on the same trust, and therefore now a portion of the endowment. Accordingly the buildings and land with which we have now to deal are the buildings at present belonging to the Dundalk Endowed School, with about one acre of land connected with them, all in the town of Dundalk, and in a position in which land is valuable. The School has had a history like that of many other endowed schools in Ireland—that is to say—there were times when, from having a successful master, or from circumstances affecting competing schools, the School had a considerable number of pupils, and it has had some pupils who reached a degree of eminence, which was attributable, or has been attributed to the good education they got. Nearly every Irish endowed school has had a history of ups and downs. Carrickmacross School, in this neighbourhood, is another instance, it was more than once overflowing, and at other times almost empty. But the schools have never all been full or efficient at the same time. Mr. George William Johnson

was appointed master of the Dundalk School a considerable number of years ago, and he is still in possession; he was appointed to a freehold, that is to say, during good behaviour, he for some time had a considerable number of pupils, they have dropped off, and when we last inquired into the master the number had become extremely small, and the state of the buildings was not satisfactory. Unfortunately a question arose between Mr. Johnson and the late agent of Lord Boden as to some property which had been enjoyed with the School, admittedly not originally part of the School premises, but for which a rent was paid. It was a considerable piece of land, used as a playground or cricket field, and the result of the litigation was it was taken up by the landlord, who proved, I believe, that it was held only under a yearly tenancy. Certain representations or promises were held out to Mr. Johnson at the time of his appointment, which he considered were not fulfilled, but this matter also was investigated by a competent court which decided that, whatever Mr. Johnson's expectations had been, he had no legal power of enforcing them. That reduces the property of the School to what I have stated, and may account for the falling away of the School. But it is in the condition I have described.

We came here first on October 22, 1886. The first year that our commission was in operation we examined Mr. Johnston, and we got an account of the School from him. It is a curious instance of how little people attend to such things, that when that inquiry was held here, as every inquiry of ours has been, in a public place and after advertisement in the local papers, and direct notice to every one whom we believed to be concerned, no one came forward to offer us any information, and we were left to fumble as best we could for information from Mr. Johnson, and from him alone. We did not think it satisfactory to set about preparing a draft scheme on such slight information, and in 1891 we endeavoured to stir up some sort of interest in the matter, and once again, having in the meantime written to Lord Boden and to his agent, and also to others whom we thought likely to be able to assist us. We held a second public inquiry, publicly advertised, on October 22, 1891, and we asked Mr. Strong to attend, who was then recently appointed as Lord Boden's agent. The previous delay had to some extent arisen from the difficulty of communicating with the previous agent, from whom we found it impossible to get any information. Mr. Strong gave us all the information he could. He told us all that had occurred about the previous dispute, and we pointed out to him that, as far as we could see, there was no prospect of making the endowment useful on the present lines, and we suggested that it would be better for all parties to realize the property of the existing school, and apply the money to the encouragement of grammar school education in other schools a Dundalk, or for Dundalk pupils. Mr. Johnson at that occasion told us that the condition of his school remained much the same. There had been no improvement, and we examined Mr. Finch, the master of the Incorporated Society's School in the town. He told us so long ago as October 23, 1891, that he had nineteen day pupils attending his school, that he prepared his boys for the Intermediate examinations, that he had other schools competing with him, in which boys of other denominations received instruction in Dundalk, notably a school that we had visited in 1886, the school of the Marist Fathers, in which Roman Catholic boys are educated, and in which we found boys who had come even from America and the colonies to receive their education in Dundalk as boarders, along with a considerable number of day boys belonging to the town. We found other schools also, both for girls and boys, in Dundalk and the neighbourhood, in which something better was given than ordinary elementary education.

With that information we prepared a Draft Scheme. Under our statute this is only the first step in the elaboration of what ought to be done, because each draft scheme has to be published, and to remain open for criticism for two months, and during that period all parties interested are entitled and invited to send in their objections and amendments, and after the two months are over it is our duty to consider all these criticisms before we proceed to revise and sign the scheme. In preparing the draft scheme the whole Commission acts together, but the Judicial Commissioners must agree upon the final scheme. When we are in this stage, the Judicial Commissioners alone are responsible. I am sorry that Mr. Justice O'Brien, my colleague, was unexpectedly called away to-day, but he will have the report of these proceedings, and I will confer with him. So far as I know, there is no disagreement of any difference of opinion between us, and in the revision of the Scheme, we hope to have the assistance not only of those who are here to-day, but also of our colleagues the Assistant Commissioners. We found great difficulty in preparing any practical scheme for this endowment; we were of opinion that there was no possibility of maintaining the present school, there being no money whatever available except the £20 Irish. The premises are old and in a bad state of repair, for many years some voluntary expenditure was made upon them by Lord Roden, but he was under no legal obligation to make that expenditure, and he has discontinued it. The schoolmaster who submits upon the rent-chARGE, could scarcely be expected to have funds available to keep up the building, and now, to make them anything like what they ought to be for the purposes of an efficient school, an expenditure would be necessary for which there are no means available, unless the inhabitants of Dundalk see their way to provide funds, and there does not appear to be any great activity up to the present, at all events, in that direction.

When I come to the objections, the first statement I find is rather curious; we are told, in one of the objections, that this is the only school available for Protestant education in Dundalk. To begin with, there is nothing exclusively denominational in the foundation; it is for the encouragement and support of one or more schoolmasters to teach the English and Latin tongues within the Borough of Dundalk or the Liberties for ever. The endowment was not given for a school for any particular religious denomination, it was intended to teach English and Latin indiscriminately to all who were willing to receive such instruction in Dundalk. The School when first founded by Lord Limerick was described, in the deed of 1718, as a Free School, which means a school open to all pupils, not necessarily a school in which no fees are paid. I presume that when it was founded it was really a Grammar School in the town, and it was equally open to pupils of all denominations who wanted instruction of that kind. But as religious differences in education became more marked, and the supply of schools increased, the same thing happened here as in other places, schools have been established by Roman Catholics for the instruction of members of their own denomination, the Endowed School has remained in the hands of Protestant managers, and Protestant pupils only have attended, and they have not attended in sufficient numbers to keep it up. But there is another remarkable observation to be made on this objection, because the evidence before us, and indeed the Intermediate Examinations, the best public test we have, lead to the conclusion that you have in Dundalk, actually at this present time, one of the most successful Intermediate schools of its kind in Ireland, under Protestant management. The Incorporated Society is of an exclusively Protestant character, as its very name shows, which is, "The Incorporated Society for Promoting English Protestant Schools in Ireland," and Mr. Finch's school is about the best of the Society's schools, and is attended by

Protestant pupils of the town. We were therefore surprised to find the Protestants of Dundalk stating that Lord Limerick's school is the only school available for them; in point of fact, they have not, at least recently, attended it at all. The denominational element being out of the case, if the school cannot be maintained as it is, how can the endowment be utilized? The scheme proposed that the buildings and land should be turned into money, and the draft scheme proposed that they should be put up for public sale, after they had been in the first instance offered to Lord Roden, who was the owner of the adjoining land and also the owner of the reversion. We felt, both because it was put forward by Mr. Strong as an equitable claim, and from the history of the endowment and the position of the premises, that Lord Roden ought to be considered in the matter. This land is in the middle of his Dundalk property, some improvements have already been carried out in the neighbourhood, and a plot of this kind, in the centre of an improving district, can be best improved by those who have in charge the general improvement of the place. Furthermore, this £50 Irish is charged upon his estate, and he is the representative of the founder by purchase, if not by descent.

The draft scheme provided that the property should be offered to Lord Roden at the perpetual rent of £40 a year, or at a lump sum of £500. Those figures were not agreed, because we got them the papers from the Chief Commissioner of Valuation, Sir John Bell Greene, who supplied us with a valuation which I will read:—

"The Dundalk Endowed Grammar School, which is now used as a school, is situated at Chapel-lane, in the town of Dundalk. There is a garden attached to it, containing 3 rods 23 perches, which extends eastward behind the old graveyard and the road known as Steenvale. This garden was evidently not demised by the lease of 1728, for the plot therein described is stated to have had a frontage of 130 feet, extending backwards 90 feet to the old walls of the Abbey of St. Leonard's, now represented by the graveyard mentioned. I have had inquiry made as to the tenure upon which this garden is held, and I have not been able to find out any reliable information as the subject beyond that of the present tenant inhabitant, which goes to show that it was always attached to and forms a part of the Grammar School premises. I have applied to the Educational Endowments Commissioners for the original lease; that was not forthcoming, but I assume the garden mentioned is held on a long lease with the Grammar School, viz., for 999 years from 19th August, 1718. At present the buildings are dilapidated, but with the garden I am of opinion they should be fit for £40 a year, or be worth a capital sum of £500. This sum might be divided as follows, £200 for the school and buildings and yard comprising the area of 1 rod 23 perches, and £300 for the capitalized value of the garden containing an acre of 3 rods 23 perches. If the buildings were removed, which should be done, and a further expenditure incurred in making a road through the garden, perfecting the sewerage, &c., to make it suitable for building ground, an annual value of £35 may be set down for the school premises and yard and the capitalized value of £300. As building ground the garden should then be worth £40 yearly, and the capitalized value £500. Therefore the site of the Grammar School and garden, if prepared for building ground in the way I have indicated, should be worth an annual rent of £40 and the capitalized or purchase value £1,500. The work of making this ground suitable for building purposes can hardly be undertaken by any person other than a speculator, to whom the increased value as building ground would eventually belong. I am, in consequence, of opinion that the Educational Endowments Commissioners, if they dispose of the property, even sell it in its present state, and I believe it is not likely to realize a sum of over £500, even should the garden in which I have referred be sold on similar terms to the Grammar School."

I have read that valuation, in order that the basis of the Draft Scheme may be publicly known. We have no money available to speculate upon in making this place into building ground. We consider it fair to offer a right of pre-emption at an adequate

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price to Lord Roden; that is the valuation on which we went in naming £40 a year or £400, whichever Lord Roden may offer, but if he does not offer either the property will be put up in the open market for sale, and must go for what it will fetch. You all now have the advantage of knowing, on the authority of the Chief Commissioner of Valuation, that any gentleman who will take the place for £400, and make the improvements mentioned, will have a property worth £1,200.

The remaining property is the rent-chARGE. Under our Act we are bound to save or provide for vested interests. Mr. Johnson's appointment has not turned out as profitable either as he expected or as we would wish. He is, however, in possession, he has a vested interest as long as he is able and willing to discharge the duties of his office, and we are obliged under our statute to make reasonable compensation in any case in which such a vested interest is interfered with. If the expense of interfering with a vested interest would be too great our alternative under the Statute is to save it; that is, to leave Mr. Johnson to run out his time, postponing anything being done for the good of education in the meantime. Of course there are the ordinary chances that attach to every life interest, and there is also the chance that Mr. Johnson may find more active and profitable employment elsewhere; in either of these events the endowment would cease to be burdened by any vested interest. But, in framing the Draft Scheme, we thought that it would be reasonable and advantageous to offer £30 a year as a retiring allowance to Mr. Johnson on giving up possession of the premises. His vested interest affects not only the £50 Irish, but also the residence and land in its present condition, and we thought that if he gave up the possession of the premises, and thereby made them available for realization at once, we might give him a retiring annuity of £30 to expedite his resignation.

The question remains—what is to be done with the endowment! The Draft Scheme proposes that it should be divided into scholarships, and that the pupils attending the elementary schools in the Dandalk district should all be open to compete for these scholarships, but that the examination to obtain the scholarships should be an examination in elementary education. If you want to apply money in teaching a boy English and Latin, you should not require that he should first know English and Latin, and our idea was that the most promising pupils who could be found in the elementary schools, young enough to be likely to take advantage of a better education, should all be at liberty to compete for these scholarships, and that when the scholarships were awarded, they should not be given in money, but should be available to pay the fees necessary to provide the successful pupils with Intermediate education, including instruction in English and Latin, in any school in Ireland which the candidates or their parents or guardians might select. That is the whole Draft Scheme, simple at all events, and, having regard to the small amount of the endowment, anything we come to must be simple.

I now come to the objections. It is objected—and, speaking for myself, at present I think it is rightly objected—that paying a schoolmaster who was to reside in Dandalk was the original object, and that these scholarships should be tenable in Dandalk, and not elsewhere. As the Draft Scheme stands, a pupil from any school in Dandalk might compete, and, as soon as he won, he could go to any school in Ireland at the expense of the endowment. That might work unfairly. Suppose Mr. Finch or the Marist Fathers sent up a boy, having gone to all the expense of teaching him, and he succeeded in winning one of these scholarships, they would have educated him without any help from the endowment, and without any help from the endowment they would have enabled him to obtain a scholarship; but, as soon as he got it, the boy could claim to be sent, if he was a Roman Catholic, to

Clangowen, or, if he was a Protestant, to Armagh or Enniskillen, or anywhere else, and the endowment would never reach a Dandalk schoolmaster at all. That point is hit in one of the objections, and I think it is a good one. I think that the competition should be open only to boys from the Dandalk district, and, furthermore, that the scholarships paid out of the endowment ought to be tenable in Dandalk schools only; then the payment of fees of this kind to the Dandalk schoolmaster would not only benefit the particular boy, but would help to support and encourage the Grammar School of Dandalk. The Christian Brothers, in their objection, quote the words of the original foundation—that it is to encourage and support schoolmasters. They say these scholarships

"can in no way contribute to the support or in the slightest degree benefit the teachers, for whose maintenance, beyond all doubt, the endowment was originally intended."

They protest against that, and to a certain extent I agree with them. They also say, that in case there are sufficient funds to provide prizes for the pupils as well as to pay the teachers, then the test should be the Intermediate Examinations. In the first place, there are not sufficient funds. Supposing the £2000 to be invested at 5% per cent., after paying Mr. Johnson's £30, we would have only £50 or £70 a year at the outside. Furthermore, I don't think it would do to let the test be the Intermediate Examinations, because what we want is to enable boys to prepare for the Intermediate Examinations, and, if they stand the test of those Intermediate Examinations, it brings in even reward with it—often a very large reward. The Christian Brothers ask also that only Dandalk boys shall be allowed to compete. Through the boy does not belong to Dandalk, if he attends school in Dandalk for a sufficient period, it is practically impossible to make his qualification depend on where he came from originally. If we make the scholarships tenable in Dandalk only, I think we need not insist that the candidates must have been born in Dandalk, or lived there for any certain time, beyond going to school there for say three years. Difficulties would arise if we go beyond the test that a boy shall have been at an elementary school in Dandalk for two years, or even three, if you wish. If he has done that, let him be qualified, provided he requires assistance to advance his education. Lastly, they object to £30 a year for the present master as too much, and they say that to provide this annuity about £1,000 must be set apart. That is not so; so much of the rent-chARGE would be set apart, but there is no money fund in the case at all. This is a mere question of amount, and the £30 a year would represent not only the £50 Irish, but also Mr. Johnson's interest and residence in the School premises.

There is an objection, substantially to the same effect, from the Very Rev. Patrick Segar, a.d.s. of the parish of Dandalk. He objects to the scholarships, on the ground that pupils might compete for them no matter from whence they come; he objects to the holding of a special examination, and he suggests the test of the Intermediate Examinations in elementary subjects to determine the winners of the scholarships. That would be very difficult, because boys cannot go into the Intermediate Examinations until they have reached a certain age, and our desire is rather to encourage boys to prepare for the Intermediate Examinations than to reward them when they have obtained distinction in these examinations. Picking out marks in particular subjects would also be very difficult, and might do injustice to boys who had done better in more difficult subjects. We might, perhaps, take the Preparatory Grade as a test; it has been established since our Draft Scheme was prepared.

The third objection is from the Protestant community, and it is signed by the Rector and Curate of Dandalk, the Presbyterian and Methodist ministers, and three gentlemen as honorary secretaries, each

pling to a different Protestant denomination. They say that this Scheme will deprive the Protestant generally of the only available middle-class school in neighbourhood. I have already said that it derives them of nothing of which they are now enjoying any benefit, and further, that this statement exhibits a very considerable feature in the educational landscape of Dundalk, namely, Mr. Finch and is very valuable, efficient, and successful middle-class school. What they say:—

"It will practically alienate the entire endowment from those who has for the past 130 years mainly enjoyed its benefits."

It does not alienate the endowment from any class as has officially enjoyed its benefits for the last ten score years, nor, so far as we know, to any large extent for a long time past. It was intended for no particular class except the class that was encouraged and helped to learn Latin and English, and though this class possibly includes a larger proportion of Protestants than if we took the whole population, it includes a considerable proportion of Roman Catholics also, and if we judge by the intermediate results in Dundalk the majority would be Roman Catholics. The third point is:—

"The original donors established the school 'for the encouragement and support of one or more masters to teach in English and Latin tongues.' The proposed scheme will support junior scholars between the ages of twelve and sixteen."

I have already pointed out that the junior scholars between twelve and fourteen are those who are to compete for the scholarships, and the benefit is to be split afterwards to teach them further. But the system is well founded, and it goes to the same point as the others in that the Draft Scheme does not run the risk of the endowment for Dundalk as I think it ought. The next statement is important.

"Dundalk is rapidly increasing in population and importance. The necessity for a school such as the one under consideration is widely felt. Its insufficiency for the past few years has been a cause of great dissatisfaction to the inhabitants of Dundalk, and parents have been compelled to send their children to a distance for education, which hitherto available at this school."

We shall be very glad to hear any evidence on this point, and as to how far the necessity for a school is widely felt will appear upon the evidence as to the attendance at Mr. Finch's School, and the de Dundalk Intermediate Schools, and as to the going away of boys to other places; but for our present there is also the practical question as to how such a school as is said to be necessary could be maintained at all upon £500 Irish of a rent-charge and the value of these buildings and lands. Then the object says:—

"The Dundalk Grammar School has a reputation second to none in Ireland."

That is fact.—

"But under proper management would duplicates again enjoy a similar position?"

That is prophecy.

"Under the Head Masterships of the late Bishop Darley, Dr. St. John, Dr. Goadet, the Rev. Newton Price and Dr. Tyre, the pupils attained the highest eminence, and it had a roll of from 30 to 60. It was largely patronised by the mercantile classes and the sons of resident gentry."

On that there are two points for consideration, on which we would be glad to hear anyone who can speak with authority. In the first place are you dealing with the history of the school by projecting a series of different periods upon the same plane, as it were? Was the excess continuous, or only at intervals? How long did it last? Above all, how far back have we to go for the last period of excess, and as it be reviewed? We are acquainted with the

success of Dr. Flynn, and it raises another question. He made a great reputation here as a schoolmaster, so great that he was promoted to Ennis, and from Ennis to Tipperary, where he is now. But how many of his pupils were Dundalk boys, and how many did he leave behind him when he went away? This is a Dundalk endowment, and extracting boarders is not educating the local boys for whom the endowment was provided. No doubt the profit derived from boarders makes the school better fit for day boys too, but the boarding school has fallen away, and can you reconstitute it? Then the manufacturers say that they did not fully realise the scope and importance of the previous inquiries, and they pray that we will re-open the question with a view to having such evidence as they are prepared to submit. In that respect they are only asking us to do our duty, and what we are here now to do. There is no question to re-open, for no question is closed until the Scheme is sanctioned.

Though this Draft Scheme was published on March 31, 1892, we have got another objection dated October 17, 1893, seventeen months after date, from Mr. Johnson, in which he says that he got a copy of the Draft Scheme on October 12, 1892. He had got a copy on March 31, 1892.

Mr. Dickie.—It never was delivered to Mr. Johnson.

Lord Justice Finnigan.—That is strange, for it was posted to Mr. Johnson, and it was also advertised in all the papers. But he is not too late, for we never sent out anybody. He says:—

"Firstly, I object to the sale of the premises for £600, as a totally inadequate amount for so valuable a property, situated as it is in the centre of a populous and rising town. I have been informed that double the sum could be obtained if it was put up to public auction."

I have read the valuation on which we went, and further I apprehend that the price could not affect Mr. Johnson, because the sale can only take place after his interest has been determined.

"Secondly, I have spent much money in improving and keeping in repair the buildings, &c., taking the support of the present and late agents in carrying out these repairs, which were liberally and freely executed by Mr. Richeson and the late agent, for this cash I should be recompensed."

We have seen the premises, and if they are habitable, it is about the most that can be said for their condition, but there has been no erection of new or improved buildings which has added to their permanent value.

"Thirdly, I most strongly protest against the proposed annuity of £150 per annum for Mr. ... I have told here for the last fourteen years, no pupil of mine, who was fully educated to my taste and guidance, ever failed at any examination. Without any single pupil the schoolmasters are at present equal to £150 per annum, as I can clearly show. There are other masters which I shall reserve until Saturday."

We will hear Mr. Johnson fully, but he must bear in mind that it is his vested interest as a schoolmaster alone that we can recognise, and a schoolmaster who has no pupils may have some interest or income in the place, but he cannot have a vested interest in his employment as a teacher. Further he should remember the amount of the endowment, and if we cannot compensate him without sacrificing the endowment, the result would probably be we should save his vested interest, and postpone the operation of the Scheme until it expires. In the case of the Royal Schools, our Draft Scheme first published proposed to compensate the masters, only one of whom was under the age of 70 years, and the sum they claimed as compensation for their vested interests came to one-half the entire capital value of the whole property of the Royal Schools. Seeing that compensation on that scale was out of the question, we solved the difficulty by saying that the Scheme should not come into

operation in the case of any Royal School until the vested interest of the master determined, but if he surrendered it within a certain and short time, he was to have a small fixed sum of money, with a moderate retiring annuity. Every single master accepted these terms before the Scheme actually came into operation. That shows the difference between compensation on paper and compensation in reality, and is an experience that may not be without value in dealing with the present case. If the endowment was to be appropriated, or sacrificed, to purposes of compensation, it would be better to leave the vested in-

terest exactly as it is until it comes to an end. The pupils come back to the school, in which case we should not only economise the compensation, but promote the usefulness of the endowment.

I have now gone through all the objections; in the first instance we wish to ask Mr. Johnson some questions to bring down our knowledge of the facts to the present time, then we will hear the other objections in any order that they may think convenient, or, failing any agreement, in the order in which they enter in the objections.

George William Johnson, M.A., examined, having been previously sworn.

George William Johnson, M.A.

2183. Lord Justice FROGGESEY.—Since we were here last what has been the condition of the Dundalk Endowed School as regards pupils?—Gradually decreasing.

2184. What is the present number of pupils?—There are none.

2185. How long have there been none?—For the last three months.

2186. Prior to that how many were there?—Three.

2187. Were those boarders or day boys?—Boarders.

2188. Where did they come from?—Two from Cavan, and one from Dublin.

2189. How long is it since you have had a pupil from Dundalk?—About a year and a half or two years.

2190. Had you more than one at that time?—I had.

2191. What is the largest number you have had of day pupils from Dundalk?—I cannot say exactly unless I had my books.

2192. About how many have you had since our last examination?—The school was rising in 1886; there was an outbreak of cholera.

2193. Monsignore MORLON.—Did that lead to a decline of the pupils?—That was one cause.

2194. What other reason would you suggest as having led to the falling off?—First the boycotting in 1882.

2195. What was the boycotting in 1882?—Parents wrote to me saying they could not continue their children at my school unless I forewent my claims for fees until times improved.

2196. Then is the parents were unwilling to pay fees?—Were unable to pay fees.

2197. Dr. TANZL.—What were the fees for day boys?—Eight guineas for the English course and 14 guineas for the full course.

2198. Lord Justice FROGGESEY.—Let me read your evidence given on October 22, 1886. You said you brought some boarders from Meathstown where you had a school before you came to Dundalk:—

"Q. 879. How have your numbers decreased since?—In 1886 I had 7 boarders and 21 day boys. In 1887, 3 boarders and 20 day boys. In 1888, 5 boarders and 17 day boys. In 1889, 3 boarders and 19 day boys. In 1890, 5 boarders and 16 day boys. In 1891, 5 boarders and 12 day boys, and in 1892, 3 boarders and 11 day boys."

Have you the numbers after that?—I have not, I did not know whether I would be examined on the point, but in addition to this I may mention that each year I had private pupils, so that the numbers would be—for 1878, 31; for 1880, 53; for 1881, 31; for 1882, 39; for 1883, 55; for 1884, 22; for 1885, 20; for 1886, 18.

2204. Your statement as to the fees at that time was that your boarders paid from 40 to 50 guineas according to age, and the day boys 8 to 10 guineas. In 1891, when we asked you about the school, you handed us a return of the numbers, which unfortunately has not been printed, and the report proceeds (1891-2, p. 92, Q. 1891).—

"How did the number of pupils come to be reduced?—There has been a competition set up in the Incorporated Society's Schools since advanced pupils are admitted.

2191. Is there an sufficient number of day pupils to Dundalk for two schools, both giving the same class of education?—There is not room for two schools.

2192. When distinction existed between the two schools, formerly?—The Grammar School was considered to be a high class school, and some of the parents would not send their children to the Incorporated Society's School, where they could not get a classical education.

2193. Can they now?—Yes, classics are now taught in the Incorporated Society's School."

Then Judge O'BRIEN asked you about the building, and you said (Q. 1891):—

"Unless there is money to lay out on the buildings they will go to ruin."

Then I asked:—

"1398. While the Incorporated Society gives a classical education to the boys in their school, would the Board be able to make a successful school of the Grammar School at the same time?"—"I should think not."

The conclusion was:—

"As there is the Incorporated Society's School, the keeping open two schools of the same class is injurious to both; having regard to the estate interest is the master was proposed to utilise these premises might be better than keeping open a struggling school."

Since then the numbers appear to have been falling further?—Yes.

2205. Have six boys gone to the Incorporated Society's School?—Some of the day boys have gone but not the boarders; I know in two or three instances the day pupils were sent there.

2206. You had no Roman Catholic pupils I believe?—Not at that time, in former times I had; in 1882 and 1883 I had Roman Catholics.

Lord Justice FROGGESEY.—Now, it might be better to hear Mr. Johnson's case as to his personal interests.

Mr. DICKIE.—We only want to meet some of the objections made if they are persisted in. They don't refer to our case as to compensation, so we could answer them much after the objections were supported by evidence. I think the only point to be decided now is the compensation, and you will allow me to go into the other points if he is satisfied on them.

Mr. Johnson.—I stated in my letter that the present endowments to me are worth about £150 a year.

2207. Lord Justice FROGGESEY.—How do you make that out?—The house and premises are worth about £75, and the garden is worth to me about £25, and I have the annuity besides.

2208. Monsignore MORLON.—How is the residence worth £75?—I have a large family, and there are premises attached to it from which I receive rent. I could not get a house to suit my family under £50 a year.

2209. How much rent do you get for the portion that is let?—About £15 a year.

2210. Lord Justice FROGGESEY.—What portion is that?—The lodge, and the other premises on the opposite side, the stables, and the recharge is £4, £15.

2211. How do you make £35 out of the garden?—By the sale of vegetables. I have a good garden, and the sale of vegetables alone brings me £20 a year.

Import my family with vegetables for the year—a  
began family of eleven or twelve.

2218. Dr. TRAILL.—Do you mean £20 over and  
above the gardener's wages?—Over and above the  
gardener's wages.

2219. For 5 rods 25 perchers!—Yes, by getting  
advantageable into the market. Getting 2s. a stone  
of potatoes I can make it pay; and I support my  
whole family—never lay out a halfpenny for vegeta-  
bles.

2220. Market gardening near Dundalk must be a  
very profitable business!—It could be made a profit-  
able business if they knew how to go about it.

2221. Mr. Dickie.—I wish to put in letters (produced)  
as to the cause of the decline of the school.  
(To Mr. Justice).—When did the school begin to decline?  
1851—In 1852 and 1863.

2222. At that time did you receive letters from  
parents saying they could not pay the fees?—I did.

2223. Is this one of the letters?—

21st May, 1862.

“Dear Johnson,—I enclose change for”

“And so—I will not read the names—that was the  
rule—

“I do not know what notice you require for a removal, so  
please send same in reply. As there is no certainty in re-  
ceipt of rents, I do not wish to incur immediate liability as  
gardens, and as his property is in a bad district you must  
pay me half my rents or I must remove him, as I am hard  
pressed myself and have no fancy to make advances.”

—Yes.

2224. Lord Justice FROGGESEY.—That was a  
letter!—Yes.

2225. Mr. Dickie.—These are only samples of the  
letters!—Yes.

2226. In 1859 did you receive this letter?—

“Dear Mr. Johnson,—Being one of these unfortunate  
men of property known as middle leaseholders, paying a  
very heavy head rent, and from the operation of the Land  
Act 1851 being so cut down as almost to leave us nothing  
to live on, and having a large family, whose expenses are  
only increasing, we have to look more closely to economise  
what we could wish.” Mrs. ”

“And so, that is his wife—

“and I have come to the conclusion that we must cart all  
expenses in every possible way. I just write you this letter  
to explain why the boys are not returning, having found out  
that we have three boys educated for a very small sum  
when we have been paying for the two. We are both  
very anxious take this course, but find it necessary to do.”

—Yes.

2227. Lord Justice FROGGESEY.—Do you know to  
which school those boys went?—Dundalk Institution.  
They were day boys.

2228. Mr. Dickie.—You wrote a reply to that, in  
which you stated you would have been happy to take  
them for a term without any payment at all!—Yes.  
I have taken pupils from this town and never charged  
them a halfpenny.

2229. Are those only samples of hundreds of letters  
you have received during the last ten years?—Yes.

2230. Lord Justice FROGGESEY.—Is there any possi-  
bility, particularly when illustrated by examples  
of the fact, of your school competing successfully with  
the Institution?—Not if the Institution is allowed to  
prosper on the present lines—that is, teaching classics.

2231. Mr. Dickie.—Formerly the Institution did  
not teach classics or prepare boys for college!—Cer-  
tainly not, nor take day pupils.

2232. Dr. TRAILL.—How could you expect to stop  
them teaching classics!—Because the frustration was  
not for teaching classics. It was to teach the English  
language and the elementary principles of religion.

2233. That does not prevent a man who carries all  
that out paying a classical master to teach the  
children.

2234. Mr. Dickie.—The Protestant objection says  
that this school was successful under Dr. Flynn and  
other masters. At that time did the Institution teach  
classics?—Not to my knowledge.

2235. Dr. Flynn went from this to Ennis; is this  
(produced) his application?—Yes.

2236. Did he fail in Ennis?—Certainly.

2237. Here is his application to the Examiners  
Board, for his appointment to Tipperary.

“Your Board is aware of the difficulties that beset this  
School upon and since my coming to it, and which all but  
washed both it and me.”

Is the Ennis School at the present time closed up?—  
Closed up.

2238. Dr. TRAILL.—How many boarders did he  
take from this to Ennis with him?—I am told thirty.

2239. Mr. Dickie.—How many of these were Dan-  
dalk boarders?—I cannot answer that question, I wrote  
to him a week ago, but unfortunately he has not  
answered my question yet; see, I knew, was.

2240. Monsignor MOLLOY.—I understand your  
examination as tending to vindicate Mr. Johnson  
as regards the failure of the School, but on the other  
hand it seems to point out that the School could not  
be made successful unless by preventing another  
school from teaching classics.

Mr. Dickie.—My object in vindicating Mr. Johnson  
is that if your Lordship comes to the conclusion that  
the School failed owing to his inefficiency, it would  
have effect with you in giving compensation.

2241. Monsignor MOLLOY.—You are quite justified  
in that.

Mr. Dickie.—I won't answer the other objections  
until they are made.

2242. Monsignor MOLLOY.—But your examination  
seems to show that the School could not be made  
successful except by preventing another school from  
teaching classics.

Mr. Dickie.—That is Mr. Johnson's opinion.

2243. Lord Justice FROGGESEY.—It is right to say  
that, from all the evidence taken here, and from what  
we know of Mr. Johnson, he appeared to us from the  
beginning to have been a distinguished scholar himself,  
and his pupils had got on well both in the  
Intermediate and other examinations. We did not,  
in the measurement of compensation, take into account  
any inefficiency on his part at all, but only what he  
stated himself, that it was impossible to maintain  
these two schools, and the better Mr. Johnson is, the  
more completely is it shown to be impossible for a  
single-handed master to compete with a school in  
which there is a staff.

Mr. Dickie.—That is so, but I was only afraid it  
might influence you in awarding his compensation.

Monsignor MOLLOY.—We are quite satisfied.

2244. Mr. Dickie.—The inefficiency has been made  
a charge against you, have you a list of your boys?—  
I have (produced). This is a list of some of the  
distinctions obtained by my pupils.

2245. Have nearly all the boys that have been  
exclusively with you gone to the professions?—Nearly  
all.

2246. Have they all done well?—All done exceedingly  
well.

2247. Have you got testimonials from a number  
of those boys?—I have testimonials from the parents  
of boys, there are two (produced), one I received this  
morning.

2248. Did any boys leave your School and go to  
other schools, and come back to you to prepare for  
their examinations?—Some boys were removed from  
my School, and they came back knowing less than  
when they left me.

2249. Lord Justice FROGGESEY.—Having regard  
to the present condition of the Incorporated Society's  
School here, do you consider the competition too much  
for you?—Certainly.

2250. If we cannot put a stop to that competition

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and I didn't see how we can—what do you propose to do?—Either give me compensation and I will give up possession of the premises, or let me continue as I am.

2245. Do you wish to stop on as you are, with £60 a year and the School premises, and no pupils, rather than endeavor to utilize your teaching resources elsewhere?—If I could obtain a mastership elsewhere I certainly would go with the greatest pleasure in life.

2246. Have you done anything to seek employment elsewhere?—I have not, but others have done it for me.

2247. We might make some such provision as we did in the case of the Royal Schools, that upon your obtaining employment elsewhere, or upon your retirement, some moderate compensation should be payable to you, but I don't see what else we can do.

2248. Mr. Dickie's (*to witness*).—One of your objections is as to the value of the school premises; have any offers been made to you for the school premises, saying what they were worth?—Certainly.

2249. What were the offers?—One was made the week before last in Dublin, an offer of £1,000 for the school premises, and another of £1,200 by a citizen of Dundalk.

2250. Dr. TRAILL.—Did he mean to buy the premises for secular purposes, or to speculate in the school?—For building purposes.

2251. Mr. Rogers.—You say a gentleman in Dundalk offered this large sum, did you ask him the price yourself?—Certainly not. I don't know whether I should answer who made the offer.

Mr. Dickie.—We can hand in the names.

2252. Mr. Rogers.—Had the man who made the offer £,200 children?—He is a man who has £600 a year.

2253. You said that, although there was great competition from Mr. Finch's very well conducted school, you could not say that the boys who left you had gone there?—Not at all; I know none.

2254. Two or three would not ruin a school!—I will tell you the exact number.

Dr. TRAILL.—He mentioned two who went there in order to get three educated for little more than the two.

2255. Mr. Rogers.—A good number of pupils have been taken from your school within the last eight or ten years!—Certainly not; a good number have not been taken.

2256. Did Mr. Rainsford take his sons from you?—He did.

2257. On any complaint?—Mr. Rainsford made no complaint to me, and gave me no reason for their removal.

2258. Was it because his boys were getting on too well that he took them away?—I don't know.

2259. Did Mr. Cox remove a boy from you?—He did.

2260. Was that on any complaint?—Certainly, on a complaint which I fully explained to Mr. Cox.

2261. Was Mr. Collier's son taken from you?—He was not removed; he did not return after the re-admission.

2262. He went to another school!—There was no complaint to me.

2263. Are you educating your own children?—Not now.

2264. Are they going to school?—Four of them are going to school, one is at business, and the others are at home, too young.

2265. We all know you are a man of ability, and you have time enough on your hands to educate your own children?—I don't intend to educate my own children any longer.

2266. Have you in any way tried to keep up the efficiency and character of the school for some time past?—I have.

2267. In what way?—By working early and late. When I had pupils I was working from 7 to 9, with the usual intervals for meals and recreation.

2268. How long is it since you have had any master in the school?—I could not tell you the year, I require no master.

2269. You made a remark about the instruction that classics were not taught there until recently; do you know that as a fact?—It depends on the name of the word recently.

2270. Were you here when Rev. Mr. Turner was master?—I was.

2271. Did not he teach classics?—Privately, not as far as I know as schoolmaster. Those that required classics he took at hours different from the regular school hours.

2272. If a boy did not want to learn classics, you would not force it on him?—Certainly not.

2273. And if Mr. Turner took the boys, as you say—I don't know whether it is the fact yet—into the Library to teach classics, that is an infringement?—I don't say so.

2274. Lord Justice FITZGERALD.—We know that the Incorporated Society do not teach classics as part of their authorized course, but within recent years they have sanctioned it, and they have applied to us to make it legal. There is a distinction in the Incorporated Society's Schools which explains the matter. They have a number of pupils called foundation scholars. Latin was no part of their regular education until comparatively recently, but the masters did teach it to those who were competent to learn it, and also to paying pupils.

Mr. Moynagh.—I appear for Father Segrove and a number of Catholic parishioners, but I don't think after Mr. Rogers' cross-examination it is necessary for me to ask any questions of Mr. Johnson.

Mr. Dickie.—In reference to what Mr. Rogers has asked you as to Mr. Rainsford?—

Dr. TRAILL.—It is hardly advisable to make up the private reasons why parents take children away from a school.

Mr. Dickie.—If the charge is persisted in I am prepared to meet it.

2275. Lord Justice FITZGERALD (*to witness*).—Was Mr. Dickie a pupil of yours?—Yes, for seven years.

2276. Monsignor MORROW.—Was Lord Iveagh a pupil of yours?—Yes, for several years, not here, but in college.

2277. Lord Justice FITZGERALD.—Who represents the Christian Brothers?

Mr. Moynagh.—I represent the Christian Brothers, and I hand in a statement made by the Superior.

2278. Lord Justice FITZGERALD.—We would like you to tell us their views.

Mr. Moynagh.—Mr. York, whose name appears at the foot of the printed objections, was in last April removed to Gibraltar, and therefore cannot be present. The Christian Brothers fully agree with the terms and scope of his objections. As now very valuable property held by Lord Redesdale, and which more than 100 years ago belonged to the town or inhabitants of Dundalk, and was exchanged at that period by the Commissioners of Dundalk for an annual rentcharge upon the estate of about £40, to be paid as an "encouragement and support to one or more masters, who shall teach the English and Latin language," they agree with the objection that money should be applied solely for the above-named purpose, for which it was intended; and they say that the male children of the town, irrespective of creed, have the right to have that money spent in the payment of teachers, who shall instruct them in the English and Latin tongue. They object to females participating upon the ground that in the deed founding this endowment it speaks of "masters," and they therefore hold that the plain inference was for masters to teach male scholars.

2279. Lord Justice FITZGERALD.—They might have drawn another inference, that in 1725 very few young ladies thought of learning Latin.

OCT. 21, 1893.  
George William Jackson, M.A.

Mr. Moynagh.—The words "one or more scholars" evidently imply that the money shall be applied in the education of boys only, whereas the draft scheme includes also the female portion of the children of the town. The sum to be distributed is ~~simply~~ too small to meet this double want, and the situation of girls is outside the scope of the endowment. The children of the inhabitants of Dundalk city are those for whom the money was intended, but the draft scheme includes children of people who do not reside in Dundalk; this is unfair to the people of the town. The money belongs to Dundalk, the property for which this endowment was exchanged belongs to the inhabitants of Dundalk, and it is only the children of the inhabitants of Dundalk who should benefit under the scheme. We are not told in the draft scheme what vested interest the late Head Master possessed to induce the giving to him a retiring annuity of £30 a year for life as soon as he gave possession of the premises. The nature of his interest should be set forth, and likewise the amount on which so large a sum as £30 a year is to be paid him—a sum which is equivalent to £1,000 at 3 per cent, or £1,200 at 2½ per cent. If he is legally entitled to that amount, no one can dispute the paying of him.

2280. Dr. TRAILL.—They evidently assume that he is going to live for ever.

Mr. Moynagh.—That is the infirmity, no doubt.

2281. Lord Justice FROGGINER.—It is a common variety of annuitants.

Mr. Moynagh.—It is the infirmity of the argument as. But, as said, his legal title should be shown. The amount is excessive—1st, because he has already been amply paid for his past services, 2nd, for just past the number of scholars in attendance was very small; 3rd, he is to be paid £30 a year for doing nothing in future to carry out the spirit of the endowment—viz., the teaching of English and Latin, though he is still able to discharge that or any similar duty; 4th, by the withdrawal of £30 a year the amount remaining to be annually distributed will be very small; 5th, we think it would be better to close the trust in either case, by giving the Head Master such a lump sum as it can be shown he is entitled to; if this can be done consistently with the intent of the trust, and if not a reason should be given. It is proposed to sell the present school premises for £100. The interest of this sum at 3 per cent is £15; to this add about £45 (present endowment)—total, £60. This will be the gross annual amount. From this deduct £30 a year, intended annuity to late Head Master, and the £60 is reduced to £34, the sum now amount to be distributed annually. The draft scheme proposes to issue a programme of examination totally distinct from that of the Intermediate Board, and to appoint an examiner or examiners of its own. Suppose we say one examiner only, he must be paid for his trouble, say as a minimum, £5. For printing, rent of room, and other incidental expenses, suppose we say, as a minimum, £5. These two sums (£10) taken from the gross amount to be distributed (£34) have a net total of only £14 for distribution. And this sum is really more than they will have to dispose of. The draft scheme proposes to give Intermediate Scholarships of not more than £15, or not less than £10 each. If they give two such scholarships at £15 each (£30), they will not have money enough, and will get into debt £6 a year. Suppose they give two at £12 each, this will take their last pence and more. Can it be supposed that any teachers will go to the trouble of preparing a class during a whole year for the chance of getting one, or at most two, such scholarships for their pupils, without a fitting remuneration to themselves for their trouble? Few teachers are so disinterested; the scheme is too absurd on the face of it; no one would avail of it, and it would completely fail through. We think the object of the endowment would be far better served,

viz.—the teaching of English and Latin—by encouraging the masters, for whom only the money was left, to teach those subjects—by distributing this small sum of £34 amongst such as will undertake so to teach. Without setting so complicated and expensive a machinery to work as that sketched in the draft scheme, why not take the annual examination of the Intermediate Board as a test of the work done in a school, and pay the teacher for his trouble—for each pass which he obtains for his pupil in these two subjects combined. The whole of the £34 could thus be devoted to this object by dividing this sum into as many portions as passes in English and Latin will have been obtained. Let us suppose 30 such passes have been obtained among purely Dundalk boys, £34 divided by 30 gives £1 2s. 6d. for each pass. If you wish to encourage both teacher and pupil to obtain such a pass, suppose you pay the teacher 10s. for each pass, and the balance of the £1 2s. 6d. viz., 7s. 8d., to each pupil as a cash prize for his industry, or else let the pupil who obtains a pass receive half the amount the teacher gets, whatever that may be. Such a mode we think would be a far greater encouragement to both teacher and pupil than the one proposed in the draft scheme, and would far more effectively carry out the object of the endowment, and the desire of the Commissioners themselves, than the one proposed in the draft scheme, to which many other very serious objections could be raised. Besides it entirely simplifies the labour of the Endowed Schools Commissioners, for by this plan, each year they will have only to ascertain—first, what funds are available for distribution, and, secondly, divide that sum into as many portions as passes in English and Latin will have been obtained, which will appear in the printed list issued by the Intermediate Board each year in the first or second week of September. The scheme we venture to sketch will have to recommend it—first, simplicity; second, economy of the funds; third, a true test that the work in school has been well done by both teacher and pupil; fourth, that the examination and examiners are bona fide, and really competent; fifth, the dredgery of preparing for a separate examination such as that proposed in the draft scheme will be spared the pupil, and a strong inducement will be held out to both teachers and pupils to secure for themselves a number of such passes by an earnest application to business. With the above named advantages we venture to back the scheme we have sketched against that of the draft scheme. The Intermediate, Kensington, and National Boards adopt payment by results, as the means of encouraging both teachers and pupils, and we feel convinced that the objects intended by the small endowment, viz.—the teaching of English and Latin will be far better attained than by that of the draft scheme.

2282. Lord Justice FROGGINER.—Can you tell us, as this endowment was originally intended for a schoolmaster to teach within the Borough of Dundalk or the Liberties, what is the extent of the Liberties of Dundalk?

Mr. Moynagh.—They are very small, they are not defined at all; you may say the suburbs.

2283. Lord Justice FROGGINER.—In the draft scheme we add two statute miles from the court-house.

Mr. Gaskin, Q.C.—Except a little bit in the Dowling Hill direction.

2284. Lord Justice FROGGINER.—How is the present boundary of the town defined?

Mr. Gaskin.—It is under the Town Improvement Act.

2285. Lord Justice FROGGINER.—There are no Liberties outside that!

Mr. Gaskin.—There are none mapped or shown.

2286. Mr. CHAMBERS MATTOX.—Would an area of two miles from the courthouse take in every school within the Borough and the Liberties.

Det. H. U.S.  
George William  
Johnson, M.A.

Mr. Gartie.—Yes.

2287. Lord Justice Frougison.—If we provided that no schoolmaster living outside the municipal boundary would have any share in this endowment, would there be any objection to that?

Mr. Moynagh.—No, and Father Segrove agrees with that.

2288. Monsignor Molloy.—Can you form any opinion of the number of pupils from the schools in Dumbalk who go up for examination each year under the Intermediate Board?

Very Rev. Father Keogh, s.j.—Over 100 this year. We had thirty-eight; Mr. Finch will be able to answer for his own.

2289. Father Segrove.—The Christian Brothers had eighty or ninety.

Mr. Rogers.—Mr. Finch had thirty-seven.

2290. Dr. Traill.—How many of them took Latin?

Mr. Finch.—They are all prepared in Latin, but sometimes we cannot send them all in.

2291. Dr. Traill.—How many did you pass in Latin and English last year?

Mr. Finch.—Twenty-seven passed the examination generally out of thirty-seven. Most of our boys go in French; they all passed in English.

2292. Lord Justice Frougison.—From these numbers

how you appear to have got some very efficient Intermediate schools. There is also the Mount College.

Father Keogh.—Our number was twenty-six.

2293. Lord Justice Frougison.—That comes to over 120 boys, so that £50 a year would only give 10s. a head. In the Senior and Middle Grades the result fees are very large, you can get at least £30 a head, and it may be raised to £34 next year, but if we could apply this money to encourage boys to go in for the Junior or Preparatory Grade it might be useful.

Mr. Finch.—The labour of preparing for the Senior and Middle Grades takes away anything like a profit.

2294. Monsignor Molloy (to Mr. Finch).—Would not £24 be very good for teaching one pupil?—But you have to employ special masters and to take them in a special class.

Monsignor Molloy.—If you can get £24 as maximum from the Intermediate Board it would appear a small addition to give you 10s. extra—I was merely saying that in the Senior Grade the result fees are not sufficient.

2295. Dr. Traill.—Do you send boys up in the Preparatory Grade?—Yes.

2296. Do you think it is a good thing to be sending them in that grade?—I do.

Very Rev. P. Segrove, sworn and examined.

Very Rev. P.  
Segrove.

2297. The chief point I wish to urge is to reduce the expense of working the scheme, and I think Mr. York's scheme would carry out that object better than starting a new examining Board.

2298. Lord Justice Frougison.—This endowment is too small to start an examination for itself, but I don't like paying this small sum of money merely as a supplement to what the teachers can get under the Intermediate Board; it will not encourage education; you will not get one boy more taught.

Father Segrove.—If it was confined to the Preparatory.

2299. Lord Justice Frougison (to witness).—Are the numbers in the Preparatory Grade sufficient?—The heads of schools would be in a better position.

2300. Lord Justice Frougison (to Rev. F. Keogh).—How many boys did you send up last year in the Preparatory Grade?

Father Keogh.—Five.

2301. Lord Justice Frougison.—Did they all pass?—They all passed generally; they must pass in Latin or French, and for the future English is compulsory.

2302. Dr. Traill.—Do you think this forcing of boys for prizes and result fees in the Preparatory Grade is good for their education at that age?—I think so; if the boys are up to the standard at which they should be before going into the Preparatory there is no forcing required.

2303. Lord Justice Frougison.—The Preparatory Grade ought to be a test of the boy's fitness to prepare in the next year for the Junior Grade.

Father Keogh.—We have got a class of twenty at present.

2304. Monsignor Molloy.—The only forcing is that the teachers are stimulated to prepare the boys well in order to get result fees.

Father Segrove.—In giving encouragement to a Preparatory Grade boy would you not encourage him to go further?

2305. Lord Justice Frougison.—When a boy goes in for the Junior Preparatory Grade he is set down to a fixed course. There is a prize stage at which the pupil's education ought to be general.

Monsignor Molloy.—There never yet was a system of education in which the children were not examined at the end of the year, and the special peculiarity of the Intermediate Board system is that when the pupils are examined the teachers are paid certain result fees according to the success of the pupils. The examinations are just the ordinary examinations that would be held in any school in which children are taught.

Father Segrove.—This endowment is so small it would scarcely admit of a new Board of Examiners.

Monsignor Molloy.—We are quite with you in that.

2306. Father Keogh.—There is another question. A boy holding an exhibition under your Endowment would be prevented from holding an Intermediate exhibition, because no person can get an Intermediate exhibition who holds an exhibition under any other endowment, and the students who would go in for the Lord Limerick Endowment would be only those who would go in for the Intermediate.

Lord Justice Frougison.—That is a curious rule, and it works in a very extraordinary way. No one knows what is "an exhibition under any other endowment" except the Commissioners themselves, and I doubt that they know either.

Father Keogh.—Sending a boy in for the Lord Limerick Endowment would be running for £10 on a chance of losing £20, but if the exhibition were granted later than the 1st of June then it would not detract a pupil from holding the other exhibition.

2307. Monsignor Molloy.—We are very much inclined to go with the view of paying the teacher rather than the pupils if we can find out a satisfactory way of doing it. It seems more in accordance with the foundation.

Father Segrove.—And to pay teachers in Dumbalk.

Monsignor Molloy.—I think so.

2308. Mr. Moynagh.—I will examine the Chairman of the Town Commissioners. They feel that if the premises are sold, they ought to be sold to the Commissioners, to hold in trust for the free library. Dumbalk has the honour of being the first town in Ireland that availed of the Free Library Act. We have a free library, and it does great service.

2309. Dr. Traill.—Where are the books kept?

Mr. Moynagh.—In a room in the town hall, which is exceedingly crowded.

2310. Dr. Traill.—What rate do you strike?

Mr. Moynagh.—We can only strike 1d. in the £, and all the ratepayers are very willing to pay it, because they feel it has done good service to the town. The Commissioners wish to secure these premises and probably a technical or art school may be established in them yet.

2311. Monsignor Molloy.—Do you anticipate that some good benefactor would pay £1,000 for the buildings for you?

Mr. Moynagh.—We believe the money will be forthcoming.

Thomas Rawlins and examined.

Oct. 21, 1893.

Thomas Rawlins

2323. Mr. Maynard.—You are the Chairman of the Dundalk Town Commissioners, and the proprietor of an influential journal called the *Dundalk Democrat*?—I have been Chairman.

2324. Do you know that it is the wish of a great many ratepayers that the premises should be secured for a free library?—Yes. The free library is utilized very largely by the people of Dundalk of every class and denomination. It is managed by a committee of representatives of every class and denomination, and since Dr. Roden's Scheme has been published they have thought that, as they are in want of increased accommodation, these premises would be very suitable; and, inasmuch as every person in the town would derive benefit from it, they thought they might have the first claim on it. They communicated with Lord Roden's agent, and he very generously said that in the event of his getting it he would hand it over to the Free Library Committee.

2325. Lord Justice Fitzgerald.—What do you think about the value of it?—Personally I have no idea of the value, but I have been told that, giving it a £2000, the committee have gone into a calculation as to the amount of money they could borrow for improving the premises, and it would come within their borrowing powers, and would make it a great addition to the town.

2326. Dr. TRAILL.—You mean that Lord Roden will hand it over at £2000 to them?—So I understand.

Mr. Strong.—I did not say at £2000.

2326. Dr. TRAILL.—Have you any public funds that the Commissioners could use for buying it themselves?—We could borrow money on the strength of it.

2327. Monsignore Molloy.—Should you consider £200 an unreasonable sum?—Personally I am no judge of the value of houses property or building sites, but I have been told that it would be good value at that price.

2328. Lord Justice Fitzgerald.—The free library would not want an acre of land, and I suppose what Lord Roden means is that if he gets this place he will give you a site for a free library on it?—A memorial was sent to Lord Roden, asking him, in the event of his acquiring this property, would he give it for the purpose of a free library.

2329. Dr. TRAILL.—You mean give a present of it?—No, give it for £2000; and the secretary told me that he had an interview with Mr. Strong, who handed it back the memorial, and said that Lord Roden well have much pleasure in letting them have it. Naturally took it for granted that we would get it at £200. The committee feel that originally this was the property of the people of Dundalk.

2330. Lord Justice Fitzgerald.—Before we got its valuation, we asked Lord Roden what sum of money he would offer, and here is the answer:—

"45, Upper Sackville street,  
Dublin, 2nd February, 1893.

"Dundalk Endowed School.

"In reply to your letter of the 22nd in reference to the school, we are this day to inform you that Lord Roden would be willing to give £100, to be applied for the same purpose as the endowment in such manner as your Commissioners may think right, provided he gets the schoolhouse and premises into his own hands, to use as he likes, free from all claims whatever."

2331. Dr. TRAILL.—Suppose Lord Roden was willing that this should be allocated in the Scheme to such purpose as you name, and you got power to borrow money for this purpose, would there be any objection to your giving £1,000 for it?—The £1,000 would put beyond our borrowing powers. We have made an estimate as to what would have to be expended on buildings; we could borrow £1,000.

2332. Dr. TRAILL.—Would it take the difference between £600 and £1,000 to put it in order?—It would.

2333. Mr. Rogers.—I am one of the Protestant community of Dundalk, and the explanation that your lordship gave us removed a good many doubts that were existing in our minds as to the allocation of this fund. I think you have every right to complain of the apathy of the so-called Protestant community here in letting this matter lie for so long, but this matter was considered practically to be between Lord Roden and the Commissioners, and the townspeople had very little voice in it. This was confirmed very much by the fact that, for a great number of years, and until the death of Mr. Robson, the door of the office in which we might expect to find Mr. Robson was locked or sealed, and it was impossible for many years before his death to see him, or to have any communication with him.

Dr. TRAILL.—We could not get access to him ourselves.

2334. Mr. Rogers.—That was one of the reasons why this matter was not taken up by the inhabitants, and it was not until Mr. Strong came, and we have found a gentleman we can deal with, and who has given us every assistance, and lays our views before Lord Roden, that this matter has been considered. I never saw the objection which was sent in until two or three days ago, and I think the first paragraph of it never was meant. When you look at the signatures and find four clergymen drew it up, you can very well imagine that they had strong Protestant views, but having read the lease of which we only got a copy within the last day or two, and when I conversed with them on the matter, it was plainly seen that the foundation had no reference whatever to any denomination at all, that it was an open endowment, that this £20 a year was to provide for teachers of Latin and English, and I don't think they are required to be of any particular religion, therefore you will eliminate that first paragraph from your minds. For a period as far as we can trace back, the Dundalk Endowed School has enjoyed the privilege of having pupils, taking them as a whole, of a different class in life from those who were educated at the Institution. Under Dr. Darley and Mr. Stubbs an immense number of the resident gentry were educated there.

2335. Lord Justice Fitzgerald.—Did not Dr. Darley go from here to Carrickmacross?

Mr. Rogers.—Yes.

2336. Lord Justice Fitzgerald.—And from that to Dungannon?

Mr. Rogers.—I think so, my brother was in his school at Carrickmacross, my father was educated under Dr. Stubbs, and all his pupils were gentlemen. I was educated myself under Dr. Boyd, and unfortunately had to leave it at an early age, but at the time I was there it was the sons of the gentry, generally speaking, who were at the school, and the pupils were more select than at the other school. That really is the class to whom, under the 13th section of your Act, you should have regard.

2337. Monsignore Molloy.—Is it not very much that class who have been obliged to withdraw their sons from the school on account of the change in the times?

Mr. Rogers.—Not on account of the change in the times. I am personally acquainted with Mr. Johnson, and it is most painful to me to make the suggestion, that it is not on account of the change of the times, but the inefficient manner in which the school is conducted.

Monsignore Molloy.—One of these letters says very clearly that it is from the change of times.

2338. Lord Justice Fitzgerald.—All over Ireland the same thing has happened, the change has worked in

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On St. Asa.  
Thomas Esq.

two ways, the resident gentry who depend on land have had their income much more reduced than those of other classes, and those who still have money send their children away from Ireland, to an extent they formerly did not. There is an exodus of boys of a certain class to English schools, owing to facilities of travelling and other causes, but in addition, there is another movement that is taking boys to schools like Mr. Finch's—well-to-do middle class people have got over a good deal of nonsense they formerly had, and send their children to compete in the Intermediate examinations with all boys who have brains, and, therefore, they send them to practical unimpeachable schools in much larger proportions than formerly. Do you suggest that it is at all possible to keep up both the Endowed School and Mr. Finch's school?

Mr. Rogers.—That question has been debated with-in the last ten days, I have attended committee meetings where the whole matter has been threshed out. We have been in communication with Lord Reden, and that is exactly the matter that is under consideration, whether it is not possible, with a body of governors, to re-establish this School on the basis and with the success it had when Mr. Flynn left. He took away thirty boarders, £2,000 worth, out of Dundalk.

2329. Lord Justice FinnGUNN.—How many Dundalk pupils had he?

Mr. Rogers.—He had 8 day boys the day he opened the school. I told the committee that you would ask the very question you have asked, and the conclusion the committee came to was to allow a little time to elapse to enable them to ascertain Mr. Johnson's position. It seems odd that Lord Reden has never taken any legal advice as to Mr. Johnson's tenure of office, and one of the things operating on the minds of the committee, was that they should be advised first of all how they could deal with Mr. Johnson. If they could, there is sufficient power and money, and sufficient sense in Dundalk to establish a very good school. Talking about competition with Mr. Finch's school is nonsensical; Mr. Finch has a very large and successful school, but he has not every boy. Mr. Rainsford's boys were taken from Mr. Johnson and sent to another school. Mr. Coe and Mr. Carter had to take their boys away. Dr. McDonald sent 2 boys to England who, he informed the committee, would be educated in the Dundalk school up to a certain age, if there had been a good school here.

2330. Lord Justice FinnGUNN.—If Mr. Johnson's vested interest was out of the way, if by subscription, or in any other way, you bought him out, could you open a school in these buildings, in their present state, with any prospect of success?

Mr. Rogers.—Quite so.

2331. Lord Justice FinnGUNN.—They say it would take £400 to make them fit for a library. From what we have seen, I think it would take at least £400 to make them fit for a school which could attract boys, and probably Mr. Finch would win the tag of war in the end.

2332. Monsignore MOLYNEUX.—If you got a good master he would probably get an offer of a better place, and go away; if you got an indifferent master he would probably stay, but would not attract pupils.

Mr. Rogers.—It is a very bad site for a school, there is a burying ground against the school building, and it is not an attractive part of the town. The master has been taken up only within the last two or three days, and the committee felt that the scheme would not be ready for some little time, and they proposed that, if they could possibly see their way to opening a school in Dundalk, they could come to that determination, say by the 1st of January, and, if they could not see it within a month, they would inform you of the failure of their proposal. There are notices for consideration, and we would ask that the master should not be closed without giving them an opportunity of trying to keep the £50 foundation money for a teacher or teachers.

2333. Lord Justice FinnGUNN.—You will notice that in the foundation the £50 is not given to one schoolmaster, it plainly was intended as a supplemental fund that might be given to several. With regard to time, it is not our fault that you are so late in taking the master up. We were here in 1881, and again in 1891. Between those dates the cause of delay may have been Mr. Robson, but not since. Our time is very short now. We must sign all our Schemes before long. We will consider any communication that you choose to make to us, in writing, say within a month, but beyond that we cannot go. But I do think that you will find, when you look into it, that the idea of establishing a new school now for any Dundalk purposes would not answer. A very good master might carry on a good school if he had boarders, but that is not the object of the endowment.

Mr. Rogers.—The committee are all in the room, and I am sure they will take your words into consideration; if they are not able to come to a conclusion before this day month they are bound to inform you.

2334. Monsignore MOLYNEUX.—Will you take this into consideration—the endowment is an endowment to pay teachers for teaching English and Latin. We find actually in Dundalk several schools in which there are teachers teaching English and Latin; if we apply the money to pay those teachers, we are perfectly certain we shall be applying it for the purpose intended. What you offer to us is the prospect of opening a new school in the place of one that has proved a failure, and for which there is only a small chance of success.

Lord Justice FinnGUNN.—Here is an advertisement from "The Christian School, Dundalk," giving the Intermediate results for 1883, with a summary of the subjects taught, and of the numbers successful in each. Out of the lot there are—Latin, 15 boys; English, 58; French, 58; Celtic, 57; Arithmetic, 61; English, 43; Algebra, 27; Drawing, 59; Philosophy, 19; Chemistry, 19; Book-keeping, 6; and Trigonometry, 2. We are anxious to keep such endowments as this for real Grammar School education, and I should be glad to limit the payment for results to boys who passed in both English and Latin. If you confined Lord Limerick's money to the Junior and Preparatory Grades, it might be of real use, and the expense of a separate administration might be avoided otherwise the expense would run away with the greater part of the endowment. There is another very practical thing which you could do, look into this question with Mr. Johnson; as far as I know Mr. Johnson holds one of these appointments of which the legal construction, unless there is something to the contrary, would give him what lawyers call a fine-hold. He showed us some document of appointment on one occasion.

Mr. Rogers.—I think it was only a memorandum in his pocket-book.

Mr. DICKIE.—It was a note taken down by Mr. Johnson at the time (*produced*).

2335. Lord Justice FinnGUNN.—At all events he has got the appointment, or rather an intimation that he was appointed, from Mr. Robson as agent of Lord Reden, and I think you ought to deal with Mr. Johnson on the basis that *prima facie* he holds the place during good behaviour.

Mr. DICKIE.—As far as the field goes, I have the notice to quit that was served.

2336. Dr. TRAINE.—One of the objections to this is, that that was disputed and he was beaten on it. A memorandum of Mr. Johnson's does not prove that Lord Reden agreed so it.

Lord Justice FinnGUNN.—You cannot bind a man by any bargain, which the law requires to be in writing, unless it is signed by the party or his agent; you may take down any conversation you like, but your note won't make a contract.

Mr. Rogers.—I don't think Mr. Robson ever had any opportunity of speaking about that, and Lord Roden is only tenant for life, and his agent proposes to give a longer lease to Mr. Johnson than he has himself.

333. Lord Justice FITZGERALD.—There is no provision in the deed defining how the master is to be appointed, but there is a recital in the lease of 1728 that the school had been established by Lord Limerick; it is described as a free school then lately erected. Mr. Johnson's title could only be tried in some sort of agreement, and if it turned out that every teacher along as memory went back had been appointed by the Lord Roden of the time, or by his predecessor in title, Lord Limerick, and if none of them had been removed except on promotion, the court might hold that there was evidence of a freehold tenure. You might fail to show any power to remove Mr. Johnson.

Mr. Rogers.—If the master had been appointed before my school was founded, I would ask you whether this is an educational endowment at all.

Lord Justice FITZGERALD.—Indeed it is.

Mr. Rogers.—An educational endowment is one established for charitable purposes.

333. Monsignor MOTAZ.—An educational endowment is an endowment established for the purposes of education.

Lord Justice FITZGERALD.—This is distinctly a charitable use, a free school for Dandalk.

Mr. Rogers.—It is not a free school.

333. Lord Justice FITZGERALD.—There is no doubt about it, the Forsters' lease says, "a free school had been then lately erected."

Mr. Rogers.—Within the memory of man it never was free.

340. Lord Justice FITZGERALD.—It is a free school in the same sense as Harrow and Eton.

Mr. Moyagh.—The endorsement on the lease is, "Lease of the premises on which the free school in Dandalk stands."

341. Lord Justice FITZGERALD.—There is a provision in the 14th section of our Act on this very point about freeholds, for we are obliged to provide for the dismissal of every officer, and that clause was inserted in consequence of the number of cases in

England, Scotland, and Ireland, in which schools were held as freeholds by the masters.

Mr. Moyagh.—Mr. Rogers' argument points to a wish to keep the school for a limited class, namely, a class of gentry; at no time was the school for a class of gentry, it was for the middle class, respectable people, who were able to pay a few pounds towards it, but the deed itself states purely that the object was to teach the Latin and English tongues, and an endowment coming within that scope was to help poor people to acquire a knowledge of education.

342. Monsignor MOTAZ.—All, whether poor or rich?

Mr. Moyagh.—Therefore Mr. Rogers' argument goes by the board.

Father SAYER.—The Commissioners are asked to keep the question open until the Protestant community can see whether they can keep it on as a school. I strongly object to that on the part of the Catholic community.

Mr. Rogers.—Don't take me as asking it as a Protestant for Protestants, but simply to keep up the school, if it can be kept up.

343. Monsignor MOTAZ.—Mr. Rogers, on the part of a portion of the population of Dandalk has said that they were taken a little by surprise, because they were asleep for seven years and only woke up lately, and he has asked us to give them a month to make a proposition for carrying on the school.

Father SAYER.—Practically that would keep on the school as a Protestant school, because they have enjoyed a monopoly of it for the last 170 years.

Mr. Rogers.—There were several of my Roman Catholic fellow-townsmen at school with me.

Father SAYER.—It was always under a Protestant master.

Mr. Moyagh.—The Roman Catholics number 16,357, the Protestant Episcopalians 1,581, the Presbyterians 403, the Methodists 101, and other denominations 56.

344. Dr. TRAILE.—How many of your ten thousand want to learn Latin?

Mr. Moyagh.—When they get a portion of this endowment a good many more than at present will learn it.

Joseph M. Johnson, sworn and examined.

Joseph M.  
Johnson.

345. On October 19, 1892, I addressed the following letter to the Right Hon. the Earl of Roden:—

"My Lord.—The Dandalk Free Library Committee for some considerable time past have had under consideration the question of providing additional accommodation for the increasing stock of books, as their rooms in the Town Hall are entirely inadequate to meet their requirements. Leaving the deep interest your Lordship takes in advancing the interests of the town and people of Dandalk, the Committee take the liberty of appealing to your Lordship in the hope that they may be successful in enlisting your powerful influence and assistance in securing a permanent and commodious location for the Free Library. The committee therefore beg to point out that your Lordship has now a favourable opportunity of assisting them in procuring desirable premises for the purpose. The Educational Redevements (Ireland) Commission have issued a draft scheme for the sale of the buildings known as the Dandalk Grammar School, a copy of which I beg to enclose. By section 3 of this scheme provision is made for the sale of the property, by which the buildings are to be offered for sale, in the first instance, to your Lordship for the sum of £200. The Committee earnestly hope that your Lordship will purchase the buildings when thus offered, and convey them to the Free Library Committee, who can borrow the money from the Board of Works to repay your Lordship, giving as security their Library rate of one penny in the £, and a mortgage on the buildings, repayment of the loan to be spread over a limited number of years on usual terms, the Committee, in the event of your Lordship taking the same up, bearing all the legal costs incurred in the transaction. The acquisition of these premises for a Free Library will enable the Committee to more fully carry out the objects for which they are embodied—to extend their reading room, provide a lecture hall, establish science and

technical classes—a much felt want in the town—provide a museum, and to act more generally in carrying out the spirit and purpose of the Free Library Act, thus keeping pace with the progressive age we live in, and with the advancing town with which your Lordship is so intimately connected. That the Free Library possesses resources to enable the Committee to carry out this undertaking can be well understood from the following statement of its present yearly income and cost of expenditure:—Income—Library rate £1 per £100, subscribers, for reading, £c. 240; total, £114. Expenditure—Hire, £30; salaries, £52; insurance, £c. 45; total, £115; thus leaving a balance of £12 every year for the purchase of new books, periodicals, &c. Enclosed I also beg to submit for your Lordship's perusal a copy of our last annual report. The Committee are confident that it will receive that kind and favourable consideration which your Lordship has always manifested towards any project calculated to promote the welfare of Dandalk and its inhabitants.—I am, my Lord, your Lordship's obedient servant,

"Joseph M. Johnson,

"Hon. Sec. Dandalk Free Library."

I forwarded that to Lord Roden, and some time subsequently Mr. Strong, Lord Roden's agent, sent for me and stated he had submitted the memorial to Lord Roden, and he stated he would aid the Free Library in every way to secure the premises referred to, provided Lord Roden was secured against loss in the transaction. At the meeting of the Free Library Committee on November 3, 1892, Mr. Patterson in the chair, I conveyed Mr. Strong's answer to the Committee.

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Lord Justice FitzGibbon.—Read the minute.

2344. Mr. Johnson.—

The secretary reported the result of his interview with Mr. Strong regarding Lord Reden's answer to the letter adopted at the previous meeting. Mr. Strong stated that Lord Reden would aid the Free Library in every way to secure the premises referred to, provided, of course, that Lord Reden was indemnified against loss in the transaction. A letter was also read from the Board of Works stating that the Free Library could borrow money at 5 per cent., repayable in twenty-five years in equal instalments of principal and interest. The Commissioners regard the letter as very satisfactory, and after a long discussion it was decided to have the master in the hands of the hon. secretary, who was directed to convene a meeting for the day monthly by special circular detailing the practical aspect of the case, providing that circumstances are in favor of this course, Mr. Strong's absence from home being a matter to be taken into consideration. The meeting adjourned.

2345. Lord Justice FitzGibbon.—Did you meet since?—No, as we were waiting the action of the Commissioners in the matter.

Mr. Strong.—I am not aware whether Lord Reden wants to buy it at all.

2346. Lord Justice FitzGibbon (to Mr. Johnson).—Is that all you wish to tell us?

Mr. Johnson.—Except that the idea of the Free Library Committee was that Lord Reden should be the means of bringing about the acquisition of these premises by the Free Library, not to purchase the buildings for himself, but simply to buy it for the Library.

2348. Lord Justice FitzGibbon.—What Mr. Strong says is very natural that he had no authority from Lord Reden to agree to buy the premises, nor has Lord Reden considered whether he would pay £2000 for them or not. He appears to have told you, and I don't understand him to go back of that, that if Lord Reden was indemnified against any loss he would be happy to help you; therefore the practical point we want to come at, now that we have you both here, is whether the Town Commissioners can buy this place.

Mr. Moynagh.—I am solicitor for the Town Commissioners, and we at present hold extensive premises, the Town Hall and Corn Exchange, and also the premises on which the markets are.

2350. Lord Justice FitzGibbon.—There is about an acre of land, which is far more than could be wanting for buildings for a free library, and the way to make the thing pay is to do something like what Sir John Ball Greene says—open up a street through it, and put a library or any other building on it you want, and make money of the rent for the rent.

Mr. Moynagh.—The field would be a desirable thing to have on summer evenings; they might take out the books to read in the open air.

Mr. Johnson.—It is a very undesirable spot for building except for stores.

2351. Lord Justice FitzGibbon.—It seems very suitable for stores; it is in a business part of the town.

Mr. Johnson.—If the Town Commissioners could acquire it it would be very useful for the pig market, which is held in the vicinity.

2352. Lord Justice FitzGibbon.—Would you put the Library in the pig market?

Mr. Johnson.—The Free Library is very seldom required during the day, and if accommodation was provided for the working classes in the evenings, and for the commercial community during the day, it would be very valuable.

Mr. Strong.—I speak to Lord Reden on the subject of this scheme, and he is opposed to it, as he believes such a school is necessary for the upper classes of the people.

2353. Lord Justice FitzGibbon.—It is not an endowment for the upper classes to begin with, and the people of the town have never gone to the school.

Mr. Strong.—He thinks there ought to be a committee appointed.

2354. Dr. TRAILE.—Is that since you made the communication to this gentleman about the use of it for a public library?

Mr. Strong.—This was the last week.

2355. Dr. TRAILE.—If that minute is a true statement of what took place, what did you intend to convey as Lord Reden's idea about the subject?

Mr. Strong.—As far as I can recollect what I said was that I would keep the offer before us, but I did not know whether Lord Reden would pay £2000.

2356. Dr. TRAILE.—Did you inform the gentleman that Lord Reden would be willing to acquire it for a public library?

Mr. Strong.—I don't know; we had a long consultation.

Rev. J. G. Eastwood, D.D.

2357. While not at all going against what Mr. Rogers said, I wish to say for myself and for those I represent here that as I signed this document as one of the first signatories I go with every word of it. No. 4 speaks of the "Inefficiency for the past few years, which has been a cause of great dissatisfaction to the inhabitants of Dundalk, and parents have been compelled to send their children to a distance for education which was formerly available at this school." I know that to my cost. I had to send three boys away; two I sent as boarders, and the third I had to keep at the Incorporated Society's School, as I could not afford to send him as a boarder. I would have kept them all here, as one of my first two boys was educated well at the Grammer School in Dr. Flynn's time. I don't want to say one word against the Incorporated Society's School, but I say it does not represent the class I belong to. For instance, my gardener's son was in that school, and got a scholarship in an honourable way. It was not quite pleasant to have my sons mixed with boys of that class. Besides that, the education was not what it would be in a higher class school. The education in classics, the little Latin they taught, or the manners were not so good, and it was not expected they would be, and it is a downright loss to my congregation, respects commercial people, as well as to myself and others, not having this Grammer School.

2358. Lord Justice FitzGibbon.—Could you give us any idea how many boys belonging to Dundalk would be available for this school, if it was established on a basis that you would regard as efficient?—It is a rough calculation, but perhaps twenty-five, but that would be day scholars; the school would never grow without having boarders as well.

2359. Then it would be impossible to maintain a separate school for the sons of gentry in Dundalk, unless it was supported by boarders?—I am afraid so, and in a different place altogether; the present place is filling in. Dr. Flynn, one of my oldest friends, told me he would never have gone away only for the grave yard near the place, and in a private letter written since he regretted having left Dundalk. He took thirty boys to Ennisc and one was my own son.

2360. Then do I understand your idea to be that, in order to establish such a school as you speak of, you must get other premises?—So my committee think.

2361. Dr. TRAILE.—Where would you get a capital sum to build the premises?—If Lord Reden holds his pre-emptive right, he may be inclined to deal with us generously.

2362. Suppose he gave free land where would you get money to build a school for boarders?—The value of the old premises would go towards it, and I think there are friends here who would probably contribute liberally.

2363. Six hundred pounds would not go far towards building a school?—It is worth a good deal more than that.

Lord Justice FitzGibbon.—People's notions vary; we have a case coming on on Monday, in which an objection is put forward by the Protestants of Lisburn, on the ground that it is impossible to maintain a school

there with £4,000; here by no possibility could you have more than £46 odd, and what you can get for these premises, even on the assumption that the new school would get the whole endowment, and would provide for the Roman Catholic claim as well as for you, and you talk of building a new school in a suitable situation, and maintaining it afterwards.

236. Monsignore MOLLOY.—One of the reasons you urge why this school should be re-established is because it would provide for a particular class of people who would object to sending their sons to some of the other schools in Dundalk. But if we only provide for a particular class in this new school, we could only give a portion of the endowment proportionate to the importance of that class, and we should have to keep back a portion of the endowment for the rest of the population.—I did not mean my religious class.

237. So I understand, but a higher class?—Yes.

238. Looking to the original foundation, it was to pay teachers for teaching English and Latin?—That is higher class education, that the poorer classes would not go in for.

239. Not higher class education cannot be restricted to the higher class of society. There are a large number of pupils in Mr. Finch's school who are learning Latin and English, and your point is that the persons who want this Grammatical School re-established are persons who would not like their sons to associate with those other pupils!—Only with some, not with all. We are only asking for a continuance of what we have had for 170 years.

240. But it turned out a failure?—There are reasons for that, that we hope won't continue under a new scheme.

Mr. J. M. JOHNSON.—I would wish to point out that the Free Library under the Technical and Gymnasium Schools Act would require at least one acre of ground for the purpose of carrying out the conditions of the Act.

Mr. DICKIE.—I am between two fires, both sections are agreed upon giving Mr. Johnson as little as possible, and I don't know whether, if you adjourn the inquiry, Mr. Johnson will have a right of appealing.

241. Monsignore MOLLOY.—Whatever you have to say, say it now; we are not coming down a fourth time.

Mr. DICKIE.—I have only one or two further observations to make. I press Mr. Johnson's objection to the sale of the premises for £800, because if the premises are put up for auction, from the inquiries I have made, and what I know, I believe they will sell but at the very least £1,200, as they stand, including the school premises and garden. That will give a large margin to give my client ample and fair compensation. Why should Lord Reden get the pre-emption? I cannot see that he has any right! The loss of the school premises if from Thomas Fortescue, as a predecessor of Lord Reden, he lets the school premises free for £10 a year, there is no evidence as to who owned the garden, and from what I have seen of the papers, if any stranger had come in there and sat down, I question if Lord Reden could have shown any title to it; of course he ejected Mr. Johnson from the field, because Mr. Johnson paid him rent. Lord Reden had a full opportunity of doing anything he could for this school, and here is the last letter which my client got from Mr. Strong:—"I beg to enclose my cheque for £23 1s. 6d., in payment of half a year's salary. With regard to your request to exceed the cost of school, I regret I cannot see my way to do as you wish." The school has gone out of repair because the agent of Lord Reden would not do what former agents had done. How was Mr. Johnson to do it out of £20 a year? Therefore Lord Reden has no claim whatever to the pre-emption. I press your Lordship to put it up to public auction, and let it go to the highest bidder. If you propose to dissociate the school, my client is entitled to fair compensation. Why is it opposed? The Protestant community say

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the school is inefficient; where is the evidence of that? Not a single witness has been examined to prove its inefficiency. Mr. Johnson from his own scholars has the highest testimonial he could get. Why did the school go down? The causes are perfectly clear; the institution is taking day boys and boarders at a less fee, and the last thing any parent will admit as a reason for changing a boy from one school to another is that he is not able to pay the fees; he will give every objection but the real one. I have given you two letters as a sample of the pressure of the bad times. The Protestant community say this school is required for the gentry, who get their income mostly from land; I have shown two letters which bear evidence that that is the reason why this school went down. Then there is the neglect of the premises; who is going to send their boys to neglected premises, premises going to ruin, for which Lord Reden will do nothing? Then they charge my client with inefficiency, and say he is not entitled to compensation. Where is a single parent who comes in here to say that, except Dr. Bainbridge, and I did not cross-examine him, but I could show from letters why he took his boys away. One of his boys went into the Constabulary from Mr. Johnson's, another boy left and came back to be grounded afterwards by Mr. Johnson for his examination in College, and then these charges are to be made without a particle of evidence. I ask you to say, and that is the reason I say nothing on the point of inefficiency, that the school went down not from any fault in Mr. Johnson. Why did Mr. Flynn's school go down, and everybody admits he is an efficient teacher? His school at Ennis is closed at present. What is the evidence of the Protestant community that this school could be kept open? Mr. Finch was asked:

"Dr. TAUNAY.—How do you account for there not being more day boys in such a large town?—They are not in the town."

I submit there is nothing whatever in this objection that has been raised to my client, he did his best in the school, and did more than any other man would do, and the school went down from causes over which he had no control whatever. I ask you why should he not get fair compensation, he was appointed, and I have not had yet an opportunity of taking counsel's opinion on his position?

242. Monsignore MOLLOY.—What would you say would be fair compensation?

Mr. DICKIE.—He makes up that it is worth £145 a year; it is worth at least £46 a year, with the value of the house and premises and the garden, and he says he makes so much out of that, he ought to get at least two-thirds of the endowment, and if the premises were put up for sale you would have ample money to give him that.

243. Lord Justice FRANCISCO.—Give us a figure.—Two-thirds of £120 is £80, and he is entitled to the capitalised value of that for his life.

244. Dr. TRAHL.—What age is Mr. Johnson?

Mr. JOHNSON.—Fifty-five.

245. Dr. TRAHL.—About twelve years purchase, £1,200.

Mr. DICKIE.—I don't know whether it would be as much as that.

246. Monsignore MOLLOY.—What do you say would be fair compensation?—I say that he should get at least two-thirds of the endowment.

247. That is two-thirds of £46 and of whatever the buildings will fetch!—Of whatever you consider the fair value of the premises.

248. We can only deal with Mr. Johnson in one of two ways, we can save his vested interests, or we can compensate for them; if we save his vested interests, he remains the position he has at present, with the duties he has at present, which involve the obligation of residing here, and of teaching any pupils that will come to him to be taught; if we compensate for

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his vested interest, he is free to take his compensation and bring his services elsewhere; and young man as he is, he may be able to do very well elsewhere. This is a matter worthy of consideration on both sides.

*Mr. Dickie.*—We are trying to deal satisfactorily.

2377. *Monsieur Molloy.*—Practically what you ask is fair compensation would absorb nearly the whole endowment, and leave nothing for any educational purpose. In that case it would be more useful for the interests of education to leave Mr. Johnson with his present status and position.

*Mr. Dickie.*—If the offer was too small, or not near fair compensation, we would prefer to be left as we are, because owing to Grammar Schools being closed up over the country at the present time it is nearly impossible to get these appointments. Looking at the competition there was for Tipperary, Dr. Flynn leaving Fermoy, and Cork closed up, we run a great danger in giving up the school. What would £20 a year be to Mr. Johnson without a house, and with a family of twelve?

2378. *Lord Justice Froude-Gascoyne.*—That is treating Mr. Johnson's right of residence and right of living on the proceeds of the garden, without pupils, as having a legal use of this educational endowment.

*Mr. Dickie.*—I am not advised as to Mr. Johnson's right on the title deeds; I had not time, but if you will allow me I will have made up in figures what Mr. Johnson would consider a fair compensation.

2379. *Lord Justice Froude-Gascoyne.*—You had better do a little more, and see where it is to come from.

*Mr. Dickie.*—If you put up the premises by public auction I am certain they would reach £1,500.

2380. *Lord Justice Froude-Gascoyne.*—We cannot sell the premises for £1,500 in order to hand over £1,300 to Mr. Johnson. This endowment is to teach Latin and English, and not to provide for Mr. Johnson. If he becomes incapable of teaching, he could be removed without any compensation whatever.

*Mr. Dickie.*—I have not taken counsel's opinion.

2381. *Lord Justice Froude-Gascoyne.*—Neither party can make full use of his rights. Mr. Johnson has certain rights in the premises, and those rights are inviolable, as long as they last, with utilizing the premises for the purpose for which they are intended. On the other hand, Mr. Johnson is bound to discharge the duties of his office, and if he fails to do so, he may be removed. You had better come to an agreement. I will now tell you what we will do. First, there is an idea of consulting during the next month as to whether this school can be kept up. Even Mr. Rainesford, who is the strongest advocate of that idea, admits that it cannot be kept up in the present building, therefore the proposal is not to keep up the old school, but to establish a new one. The new school could meet the wants of only of a small portion of the class whom we are bound to look after, namely—those pupils in the Borough of Dandalk and its Liberties, who want to be taught English or Latin, no matter what their religious belief or rank in life may be. To start a new school in premises not yet got, for the purpose of teaching some boys of the better class English and Latin, will not exhaust the purpose of this endowment, and therefore only a portion of the endowment can be appropriated to that school. I am still of the opinion that the more you think over it the greater you will see in the difficulty of starting any other school in Dandalk, and the more clearly will it appear that those who are teaching English and Latin in Dandalk already are the people who ought to get this money, and by giving it to them you may improve the method of teaching, and perhaps give a little better education. You should also bear in mind that the Incorporated Society is at this moment seeking power to give classical education in their schools, and any school now started must compete against all the existing schools. Mr. Johnson has before him two alternatives—one is that the school shall not come into force until his vested interest comes to an end. I put it to him in all friendliness that the saving to his

vested interest simply means the saving to him of his right to continue to exist on £20 Irish per annum in these premises, which are daily becoming more dilapidated, with only a shadowy prospect of having pupils in future, and baring this out, Not by any action of ours, but long before this Commission came into existence, Lord Reden discontinued repairing the premises, and also took up, after litigation, a portion of the land which had been used with the school. Mr. Johnson has to face the fact that Lord Reden is under no obligation to repair the only premises of which he is now in possession, and which Mr. Rainesford says cannot be made fit for the school he wants. We cannot turn an endowment into money for the mere purpose of paying that money away as compensation to the holder of a vested interest. Mr. Dickie's calculation would make the life interest worth two-thirds of the endowment. That cannot be done; it is not practical. I would suggest that you should first consider the question of keeping up the school, and next consider, with Lord Reden and Mr. Johnson, whether you cannot come to some feasible proposal by which the possession of the premises can be given up immediately, and their value realized. If you are not able to do that, we may be driven to save the vested interest of Mr. Johnson, and hold over something in the way of a bonus to him to give up the hope that which his predecessor, Mr. Flynn, seems to have had almost too much for him, and to surrender the place on reasonable terms. Then comes the question of the right of pre-emption. It is now clear that, more than a year ago, after the publication of the Draft Scheme, Lord Reden's agent conveyed to the Secretary of the Town Commissioners that Lord Reden did not desire to make any profit out of these premises, and was willing that any benefit that could be derived front taking them up should go to the town for public purposes. Since that Lord Reden has been approached from opposite side by enthusiastic people taking Mr. Rainesford's view of the matter, and he wants to consider this proposal of establishing a new school. He is undoubtedly within his right in doing that; but if he comes to the conclusion that he cannot have a new school, the question remains what ought we to do with the old one? If we put it up to public auction, you may have competition between speculative builders and the Town Commissioners. We would be very glad if the Town Commissioners and the Library Committee can agree with Lord Reden about the premises, and we will see whether we cannot provide by the Scheme that the premises may be taken by the Commissioners under their statutory powers for the benefit of the town. These are the important matters to be discussed within the coming month. We will not take any further step with regard to this Draft Scheme for a month, and we shall be very glad to get any information in writing in the meantime from the Protestant community represented by Mr. Rogers, from the Town Commissioners or Library Committee, or from Lord Reden or his agent, and then we will consider the Scheme and see what can be done. We all agreed that, when the money becomes available for educational purposes, it must be applied for the benefit of teachers who are teaching English and Latin in Dandalk. There are many matters of detail, as to whether it ought to go beyond the preparatory and junior grades, but I think we are agreed that we ought not to establish any separate examination, but that we should pay it to teachers who are doing work for the Intermediate. I think it may help to bring in boys in the preparatory and junior grades, but it can go only for teaching those boys who pass both in English and Latin. The number would probably not exceed forty or fifty, and the endowment might precise a payment of perhaps £2 a head if it was divided in that way. Any communication sent to our Secretary within a month will be carefully considered in the revision of the Scheme; and, as it has taken seven years to convey any idea of their interest in the matter to the people of Dandalk, I must warn them that when

or Scheme is signed and sent to the Lord Lieutenant, any person interested may object during two months, but not afterwards. There can be no extension of the time for sending in applications to the Lord Lieutenant, but the matter may be considered by the Privy Council, but the Privy Council is bound to hear any case made in an objection within two months after we

sign the Scheme, and it can on such objection be sent back for revision. If the objectors are not satisfied with the decision of the Privy Council, they have two months more in which they can go to Parliament. All right of objection will be banished at the end of that time.

The inquiry terminated.

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## PUBLIC SITTING—SATURDAY, NOVEMBER 25, 1893.

At the Office of the Commission, 23, Nassau-street.

Present.—The Right Hon. Lord Justice FITZGERALD, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. GERALD MORLON, D.D., D.C.L.; ANTHONY TRAILL, LL.B., M.D., F.T.C.D.; and the Rev. H. B. WILSON, D.D., Assistant Commissioners.

N. D. MURPHY, Esq., M.A., Secretary, and FREDERICK REDMOND, Esq., B.A., Assistant Secretary, were in attendance.

Nov 25, 1893.

### SCHEME No. 82.—THE MUNSTER DAIRY SCHOOL AND AGRICULTURAL INSTITUTE.

#### (OBJECTIONS AND AMENDMENTS.)

A delegation of the Munster Dairy School Committee attended, consisting of Sir George Colthurst, Bart.; Justice BARNARD, Esq., J.P.; C. J. DUNN, Esq., F.R.; Chairman of the Cork Butter Market Trustees; and Mr. James BYRNE, Esq., J.P.; and Mr. W. B. LEARY, Secretary of the Committee.

Piers P. White, Esq., Q.C., instructed by Mr. Major, Solicitor, appeared for the Commissioners of National Education.

**MR. LEAD JUDGE FITZGERALD.**—We have appointed at the present sitting, under sec. 23 of our Act, in accordance with our usual practice, for the purpose of considering the objections received to the Draft Scheme, and also for the purpose of inviting assistance to the final settlement of the Scheme. The Scheme has been pending for a long time, and we have published not only the draft contemplated by the Act, but subsequently a revised draft. Very substantial alterations were made in the revision; and we therefore thought it only fair to the parties that we should—as we have done in other cases—treat the revised draft as being still subject to the same criticism as the original draft; and we are now holding what is really a second meeting for the consideration of objections. The subject of the Scheme is the Munster Dairy School, and a proposed Agricultural Institute. Its object is wider than the title might at first indicate, because the promoters desire to create a body capable of fulfilling very important functions with regard to agricultural education in the whole province of Munster. They propose to undertake duties similar to those of the Royal Dublin Society in matters of agricultural education; and similar also to those for which the Ulster Agricultural Society has already got a name from us.

The endowments directly and indirectly included in the Scheme are of two classes. There is first, whatever property there may be that is within our jurisdiction and in connection with the existing Munster Dairy School itself, including a sum of £2,000, with accumulations, which was given to a Cork Committee by the Government in 1857. But it is further sought to make available, in the purposes of this Scheme, the provision that Ireland has enabled local authorities to provide for technical education, which by recent orders of the Treasury includes instruction in agriculture.

Taking these endowments in order, the history of the Munster Dairy School is important. It was founded in 1860 by the Commissioners of National Education, who took for the purposes of the School the land described in the first Schedule to the Scheme, containing 126 acres, about three miles from the City of Cork. Upon that land the Commissioners expended public money with the sanction of the Treasury, in erecting buildings and otherwise, amounting to no less than £12,000. Very ample buildings—a farm steading, school buildings, residences for agricultural teachers and pupils, &c., were placed upon the land, and are there still. The land is held for a long term under a lease from the Duke of Devonshire, at a rent of £120 a year. That was an agricultural rent for land only, and all the expenditure which I have mentioned was paid after the lease, by the lessee, out of public

money. The School was not a success; I can best state the condition to which it was reduced in the words of Sir Patrick Keenan. He says:—

"A Departmental Committee under the presidency of Mr. W. H. Gladstone, M.P., was appointed in 1873, by the Treasury, to investigate, along with other departments, the affairs of the National Board of Education. The Committee reported as to the Limerick and Cork Model Farms. These buildings are much too large to suit an ordinary tenant of a small portion of land, and therefore there will be a difficulty in disposing of the farm on advantageous terms; but we consider that their retention only involves a continual outlay of public money without any adequate return; and as the general opinion appears to be that the alienation would be no loss to agricultural education in the country, we entirely agree with the Royal Commissioners" (meaning the Pewsey Commission), "who believe that these farms should be got rid of as speedily as possible."

The Model Farm, Limerick, held in fee-simple, was got rid of, and became an ecclesiastical seminary, known as Mungret College, which has been dealt with under a Scheme framed by our Commission, and the Munster Model Farm is the subject of the present Inquiry. The place was advertised for sale. The idea of continuing it as an agricultural school appears to have been abandoned by the Commissioners; but no purchaser could be got. It was then proposed to abandon the whole of the expenditure, and to surrender the place to the landlord; but the landlord seems to have preferred the secured rent of £120 to the £15,000 worth of buildings and his own land, for he refused to accept a surrender. Then the National Board was informed by the Treasury, that, except so far as they could be legally compelled to do so, they would provide no more money for the Institution. In that state of affairs, in 1880, the Cork people got up an agitation against the abandonment of the School. They said that it would be a grievous injury to agricultural education in the south if this place were surrendered, and they offered to form a Committee to assist in its management of the place, and to endeavour to make it a useful Institution. They formed the Committee; the Government yielded to their appeal; and that Committee has, from that day to this, taken an active and more or less important part in the management of the School, and it has been conducted on different lines. They collected a considerable amount of money, which was used to found a Dairy School, and to supplement the National Board grants by voluntary subscriptions. These contributions have gradually become less, probably from two causes—first, because people will not voluntarily subscribe for an object which they find they can achieve at the expense of the public, and the necessity for this supplemental fund became less. But also the diminution of the voluntary contributions

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may have been, so far as the evidence enables us to judge, attributable to the fact that the National Board were the owners of the place and responsible for the administration of the public money, and the Local Committee seems to have thought that they ought to have been consulted more than they were, and that they ought to have more direct control than they had.

That was the condition of affairs when the matter first came before us. We received an application from the Local Committee for a Scheme to enable them to utilize the £2,000 which they had got from the Treasury in 1857, in enlarging the Institution. On October, 1857, we visited the School; held an Inquiry in Cork, and took the evidence of all the parties who came before us, notably that of Dr. Sullivan, then President of Queen's College, Cork, and the moving spirit of the Local Committee. We found that the place was being worked for part of each year as an agricultural school for male pupils, and for the remainder of the year as a dairy school for female pupils. Strong evidence was given by Dr. Sullivan that that was both an ineffective and a most expensive and wasteful way of conducting such an Institution. As regards the ineffectiveness, common sense tells us that teaching young men farming during only half of the year, and that always in the same months, leaves agricultural education singularly untaught; and, as regards the young women, instructing them in making butter, only during the season when butter-making is at its easiest, was also a very imperfect way of carrying the master out. Dr. Sullivan's object was to get a sufficient quantity of additional land to enable a complete course of agricultural education to be given throughout the year to the young men, and also to provide additional and separate accommodation for the young women, so that they also might be instructed at all times of the year in their branch. As regards the wastefulness, it is only necessary to mention one instance which he brought before us. Inasmuch as the dairy school was worked for only half the year, it was carried on by buying, in the Cork market, cows that either had just calved or were just about to calve, and were therefore at the most expensive period of their existence, keeping them there for a few months while the young women were being taught, and then selling them at a loss when they were raining dry at the end of the season. But that was only one instance for anyone can see that the thing, as an agricultural and dairy school, was most imprudent.

In the meantime, in the year 1857—immediately before our visit—this energetic Committee had gone to the Government, and had got, through the Chief Secretary, a cheque for £1,000, which was given, not to the National Board, but to the Local Committee, for the benefit of the Cork Agricultural Model Farm and the Munster Dairy School, and to supplement the resources of the Committee for the benefit of that School. The Committee were holding the money until they could secure its application in some way that would make the place more efficient, and would also secure them what they would regard as a satisfactory measure of control over its management. They were the applicants to us, and this sum of £1,000 is the chief present subject-matter with which our Scheme proposes to deal. It is still lying idle, invested in Government Stock, in the names of Sir George Colthurst and two other members of the Committee. They hold it as an endowment for the promotion of agricultural education in the south of Ireland, which they have asked us to utilize, through the instrumentality of a Scheme, for the benefit of the Munster Dairy School, and for the advancement of Agricultural Education in Munster.

After the preliminary inquiry we had a long correspondence with different people, and on April 29, 1859, the first Draft Scheme was published. That Scheme was prepared with an anticipation on the part of the Committee that they would be able to get money, partly by voluntary contribu-

tions, and partly by grants from Grand Juries, toward Agricultural Education; and they tried to form a representative Governing Body of considerable numbers comprising gentlemen of high position, and others practically acquainted with agriculture in the locality. At that time the Technical Instruction Act, 1858, had not actually passed, but it was pending, and it passed very shortly afterwards. When the Draft Scheme was published, we received a number of objections; amongst others we received a communication from the Commissioners of National Education, not formally objecting, not specifying any particular amendments, but indicating that they would not assent to any Scheme that would interfere with their powers, or that would in any way affect their power or responsibility with respect to the public money expended upon the place. They also called our attention to the fact that the Government when giving the £1,000 to the Committee had made them promise, or rather had made a statement—that under no circumstances were they to expect ever to get any more, a promise very easily given, but which it is impossible to enforce. The Committee said—"If you give us the management of this place we won't carry it on in your wasteful way, we will manage it at less cost than at present, and we will do it a great deal better than the National Board." There also were promises which we have no means of enforcing, and when I come to the present Scheme, I shall have to point out that it takes quite another direction. A number of other objections came from various persons, who considered themselves representative, all wanting a share in the management, and all objecting to the management proposed by the Draft Scheme.

We went again to Cork, and we held an inquiry for the consideration of all these objections, on October 20, 1859. The Committee appeared with their Secretary, a number of gentlemen appeared to represent different interests, and among them some representatives of an Agricultural Institution which was at the time being established, rather by the farmers than the landowners; and they contended that the Governing Body proposed by the Scheme would not be sufficiently "popular." Great differences of opinion appeared in the course of the proceedings, and the result was, that we came distinctly to the conclusion, and we so told the parties, that we could do no good by framing any Scheme until they themselves had agreed as to what its general outline ought to be, and that if we endeavoured to form any Governing Body which would at once be met by opposition from one class or another, or if we formed it of representatives of classes that would not work harmoniously together, the end would be worse than the beginning. We practically wound up by telling them—

"We have heard you all; we shall be very happy to help you if we can; but the first step in the transaction must be for the Cork people to agree among themselves as to the form of a fair working Scheme."

That was in October, 1859. We heard no more about it until last March; but very important changes had occurred in the mean time. Our statutory powers were on the point of expiring when we received a communication from the Local Committee, saying that they wanted to make one more attempt to carry out the Scheme, that they had applied to the Government, that the Government were anxious to assist them; and they asked us to do what we could for them. About the same time we received another communication from the Government asking us whether any extension of our powers by the Lord Lieutenant was necessary to enable us to carry out the object of the Local Committee, and indicating to us the desire of the Government that our powers should be exercised, and extended if necessary. We answered that by saying that we had published one Draft Scheme within the statutory period, and that if our powers of completing it were extended, it would be quite un-

to do more. Accordingly by a Privy Council order of March 30, 1893, the Lord Lieutenant extended the powers of our Commission with regard to a number of Schemes including this one. It is therefore still within our jurisdiction, and within all the powers of our Act. But other important matters had also happened in the mean time. The Technical Instruction Act had passed on August 30, 1888, which gave rating powers; but a very much later step had been taken in giving effect to that Act, which was the action of the Committee's renewing their attempt to complete the Scheme. On April 22, 1892, the Department of Science and Art published a new resolution as to the expenditure of money under the Technical Instruction Act, stating that though grants had been suspended for some time they would be resumed, and would be made in Ireland in aid of Agricultural and other Technical instruction to schools aided by local authorities, and would be equal in amount to the sums expended out of the local rates. The Committee therefore were then in a position not only to get aid from local authorities, but also to get that aid supplemented by an equal amount from the Department of Science and Art. We at once revised three of their position, that the first thing they had to do was to try to find out whether they could form a Governing Body that would work harmoniously, and get local aid. Further communications brought out that they expected to get assistance from Boards of Guardians, and possibly from Grand Juries, and that they wished every public body which granted a certain sum of money to have representation on the Governing Body which it was proposed to incorporate. They also desired, which was only natural on the part of those who had been fighting the battle of the Local Committees all through, that the Committee who had got the £2,000 should keep their representation, and if they brought the money into the Scheme, as the nucleus of the Endowment, that they should secure their places on the new body. The upshot was that we prepared a Revised Scheme, in which we proposed to give, first, a prominent place for the six of the gentlemen who had been foremost in business from the beginning; and that voluntary subscribers to the funds, other than the local taxing authorities, should be represented by Governors whom in the first instance we proposed to select from the existing local Committee. We also provided that the Commissioners of National Education, so long as they delayed any part of the cost of maintaining the School, so long as it remained in connection with them, should be represented; and that the Royal Dublin Society, and cognate bodies, and any Boards of Guardians or other local taxing authorities who gave money, should be represented in proportion to the amounts they put into the joint fund. Having so formed a Governing Body, we proposed that it should have no more ample powers than we could give, for promoting agricultural education in the province of Munster; promoting it in the first instance, with the concurrence of the National Board, by means of the existing Munster Dairy School, but also by acquiring additional land, by doing everything necessary to make the School really effective, and also by holding agricultural shows, and doing other things of that sort supposed to be useful, and providing travelling instruction in dairying and all those subjects in which the public of Munster are so deeply interested.

We sent that revised Draft Scheme to all the parties concerned, and we asked them to give us their views upon it, undertaking to give all the same consideration as if we were receiving objections and proposed amendments to a Draft Scheme published for the first time. The first important communication for consideration today is a letter from the National Board, of November 1, 1892. We had informed them that we proposed to appoint this day for the consideration of the matter, if it was a convenient day for them, and we asked them to let us have their objections and obser-

vations in writing before the day came, as our Act requires. The letter says—

"At their meeting yesterday the Commissioners of National Education passed the following resolution. First, that the Educational Endowments Commissioners have not jurisdiction to frame a Scheme in relation to the management of the farm or of the existing School."

Well, we are very much obliged to the National Board for giving us this instruction as to our jurisdiction, and, if it becomes necessary, we shall consider it with all due respect for the high authority from which it comes; but I must point out that this resolution omits to notice two important things. I am not sure that the Commissioners can have read my Act of Parliament, and I am not sure that they can have read the Revised Scheme. The Act of Parliament expressly mentions, amongst the powers of this Commission, the power of founding Schools and Endowments in connection with the National Board, and of replacing their government and management, when so pleased; therefore if the resolution is to be understood in the general sense of its words, namely that we have not jurisdiction to frame a Scheme in relation to the management of an institution that is in the hands of the National Board, it is directly in the teeth of the express words of the Act of Parliament. Furthermore, the National Schools that are at present being managed under Schemes framed by us, and already finally approved by the Lord Lieutenant in Council, and that are now law, are to be counted by the thousand, and besides these which have been dealt with wholesale in Diocesan or Presbyteries Schemes, we have prepared many most important Schemes dealing exclusively with National Schools. I might mention the Swords Beough School, the very first Endowment dealt with under our Act; a more striking instance is that of the Gilcom Schools at Oldcastle—a large Endowment entirely applied for the purposes of National Education, under a Scheme in which the Resident Commissioner of National Education himself has been made a member of the Governing Body with the most advantageous results. The sister institution to this very Cork Model Farm, viz., the Mungret Endowment has been dealt with. But there is another observation to be made as to the Revised Scheme; it contains this clause, to which I must here direct the attention of the Oireachtas for the Commissioners, and we desire most loyalty to give the fullest effect to it. Clause 15 is in these words:—

"The existing Munster Agricultural and Dairy School may be maintained, and the Governors may continue to co-operate with the Commissioners of National Education in the maintenance and management thereof under the same conditions, rules and regulations, and in the same manner as if this Scheme had not passed, or under such other conditions, rules and regulations, and in such other manner as the said Commissioners and the Governors may from time to time agree upon. Notwithstanding anything herein contained, so long as the said School shall remain vested in, or shall continue in connection with the said Commissioners, the rules and regulations of the said Commissioners for the time being applicable thereto shall take effect, and shall be observed in all matters to which they relate."

This affirmative enactment was put into the Scheme for the express purpose of declaring that we had no intention of exercising any compulsory power over the National Board, whether we possessed it or not, and we desire to give the fullest effect to this principle. We invite any amendment which can be suggested on the part of the National Board if there be—of which we are not cognizant—anything in the Scheme conflicting with that provision. The Local Committee was informed by us, from the commencement, that we thought it would be most inexpedient for us, whether we had jurisdiction or not—and we did not then, and we will not now, go into the question to whether we have jurisdiction or not—to endeavour to interfere either with the powers of the National Board or with their duties in dealing with the public property vested

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in them or under their control. Other classes throughout the Scheme are headed, wherever necessary, with the expression "subject to the other provisions of the Scheme," or "subject to the Rules and Regulations of the National Board." We have tried in every way to treat that 15th clause as being a dominant clause, and we desire now to make any amendments that are necessary in order to give effect to that principle. Therefore, without going into any more points as to our jurisdiction, I venture to say, with all respect, that this first resolution appears to forget that in this case the Scheme entirely disclaims the exercise of any jurisdiction over the National Board, whether we have it or not. The second resolution, I must say it with all respect, is open to observation in another way. It is this—

"That the Scheme ought to be confined to the application of the £1,000, and its proceeds, and ought not to authorise expenditure in the management of the School or Farm, save so far as relates to the expenditure in the School or upon the term of the proceeds of the Endowment."—

With all due respect, and subject to what we shall hear from Counsel, I believe I have the full concurrence of my colleagues in saying that we cannot see what business it is of the National Board to tell us that we ought to confine this Scheme to the £25,000, and its proceeds. The great and important public object of this Scheme is to create a body to administer not only this £2,000 and its proceeds, but all other money that can be raised, or that the Governing Body can get under the Act of Parliament dealing with this subject for the advancement of Agricultural Education in Munster. The Scheme may be ambitious, but the ambition is not ours—it is that of the Local Committees, and of the Government who have called us to frame this Scheme. The money may not turn out to be very much, but whether the amount is to be large or small need depend on the public confidence in this Governing Body, and on the efficiency with which it discharges its work. To confine the Scheme to the application of this £25,000 and its proceeds, as the resolution of the National Board requires, would be to make the thing perfectly impossible for the object for which the Scheme is undertaken. The third and last resolution is only supplemental, viz.:—

"That under any circumstances the Scheme should be so framed as to preserve to the National Board all their present powers of management of the School and Farm."—

We desire to do so. It was our intention to do so, I believe we have done so, but we shall gladly make any amendments which are necessary to make the Scheme properly clear upon this point. Immediately on receipt of those resolutions we wrote to the National Board; and I am glad to think that their answer will probably shorten matters very much to-day. We acknowledged the resolutions. Our Secretary mentioned the appointment of to-day's sitting, that the Cork Local Committee would attend, that we should be glad to hear any observations that might be submitted to us by the parties interested, including the Commissioners of National Education, and be said—

"With reference to the resolutions quoted in your letter, I am directed to observe that the object of my Commissioners in preparing the Revised Scheme, was to have the management of the existing Farm and School at Cork, and the present powers of management of the National Board, namely as they now stand, union and unit your Commissioners and the Board incorporated by the Scheme shall otherwise agree. My Commissioners will be glad to consider any amendment the National Board may think necessary to attain that object, so that the existing relations between the National Board and the Local Body shall remain as if the Scheme had not passed."

We don't at all suggest that the Local Body is to retain the name. We want to form a Local Body very different from the present casual, and—if I may say so—fleeting Committee. We want to make it an

important, permanent, and representative public body; and we do not think that the National Board can have any just objection to such an exercise of the powers which the Government and the Local Committee desire us to exercise in this way. The effect of thus strengthening the Local Governing Body may be that ultimately, in some other way, not through us, it may obtain greater powers than the Committee has now. All that we can say fairly asked to do is to provide that it shall be bound by the arrangements that affect the present body, unless and until the National Board alters those arrangements, or they are altered by some higher authority. The indirect effect of creating an important, influential, and wealthy body for the promotion of agriculture in Munster, upon the ultimate relations of this School with the National Board, it is not for us to consider.

We added—

"My Commissioners do not think the Scheme can be confined to the application of the £25,000, and the proceeds thereof, as it is the main object of the Local Body by whom it is proposed to provide for the administration by farm of all such other funds as may be from time to time entrusted to them for the purposes of agricultural education in Munster."

Immediately after these resolutions of the National Board were sent to the Local Committees, we began to receive a series of resolutions from local bodies of very high importance, all protesting against the restriction of the Scheme that was involved in the resolutions. I think the first came from the Cork Higher Board—what exactly they had to do with agriculture I don't know, but it shows how every public body in Munster was interested—they were followed by a number of boards of guardians, by the Trustees of the Cork Butter Market, and by local authorities of all sorts. I need not read these resolutions in detail, because they are all to the same effect. I will read one as a specimen:—

We, the Cork Board of Guardians, recognising the pressing need for a thoroughly comprehensive Scheme of agricultural education in the south of Ireland, beg to record our strong belief that the proposed charter put forward by the Educational Endowments Commissioners presents a solution of the difficulties which have hitherto prevented the development of the Munster Dairy Agricultural School into an institution capable of providing a complete system of technical education in agriculture which, in these days of ever increasing competition, is a matter of vital importance to the country; and we sincerely trust that the Educational Endowments Commissioners will be enabled to carry out the proposed charter, and that copies of this resolution be forwarded to His Excellency the Lord Lieutenant, the Chief Secretary, the Commissioners of National Education, the Educational Endowments Commissioners, and to Members of Parliament for the City of the County of Cork."

There are a great number of similar resolutions which indicate the great change that has taken place in the attitude of the public of Munster towards the Scheme since the first draft was published. These are resolutions of bodies which have now got rating powers in the very purpose of carrying out the objects of the Scheme. Therefore everyone of these resolutions represents a substantial sum of public money available for the purposes of the Scheme, while the National Board, by confining the Scheme to the £25,000 and its proceeds, would exclude altogether from its scope; but we are dealing with a subject of local interest, and we propose, subject to what we may hear, to adhere to our intention of enabling this body to deal not merely with the £25,000 and its proceeds, but with that as a starting point, and also with any funds which may arise from voluntary action or from the increase of the rating powers of local representative bodies in the Province of Munster.

The National Board has since written us another letter, which, I am glad to say, appears to remove a great deal of difficulty by indicating a desire to withdraw from the previous resolutions. It is dated

November 21, four days ago, and is an answer to the letter from our Secretary, which I have read. They say:—

"The Commissioners of Educational Endowments, in their letter of the 4th instant, distinctly state that it was their object in preparing the revised Draft Scheme to leave the management of the existing Farm and School at Cork, and the present powers of management of the National Board exactly as they now stand, unless and until the Commissioners of National Education and the Board incorporated by the Scheme, should otherwise agree; the Commissioners of National Education, in consequence of this amendment, desire it to be understood to make any further remarks or request to the Scheme, except to point out the necessity of striking clause 14, and of eliminating clauses 21 and 22 of the Scheme, and also of giving a precise definition of the term "School" as used in the Scheme. As regards the £2000 referred to in the letter of the 4th instant, the intention of this Board was to include any sum that might be acquired by the Board of Governors as endowments, etc."

With all respect, that way of putting it is open to some objection. We cannot limit the Scheme to sums vested in the Board; if the new Board is to do what is intended, it must have power to administer not only the property acquired by them but also the funds provided under the Technical Instruction Act, and all that concerns the National Board is to see that the Scheme protects their property and powers.

The letter adds:—

"The Commissioners of National Education do not make it necessary to avail themselves of representation on the Board of Governors by two members, as provided in the Draft Scheme."

Well, of course, we can't compel them—we should be very sorry to do so—to avail themselves of a power of representation, but having regard to our opinion of the extreme advantage which it has in other cases to have a representation of the National Board under similar schemes, we hope they will not object to our leaving them a discretionary power. The Oldcastle Scheme is the strongest argument in our favour; not believing it possible that the Local Commissioner could attend to all the duties of a person, we provided that he might either act in person or nominate another to act for him as a member of the Board of Governors. Most fortunately Mr. Patrick Keenan was able to attend himself, and went to Oldcastle on more occasions than one, and though he was only one of a body of eight or nine, his presence and assistance were the means of starting the arrangement with the greatest possible advantage. There are several other cases in which the Inspectorate and National Board have been qualified to take place in governing bodies as persons of experience in education, and as representing the National Board; and it is all probability for a very long time the Local Board will be connected with this Institution through the Munster Dairy School, I hope that they will not make any objection to our leaving them the option, if they should think it useful, of having some one to represent them under this Scheme. The Local Committee appear to be satisfied with the Scheme substantially as it is, so that I take it that the only important amendments which we shall have to consider are those proposed by the National Board. They ask us to revise clause 14. I take it that the object is to provide against any change being made to the National Board except with their consent. Possibly the best way would be to modify the definition of the word "School," so as not to include the existing School, but only to include any school or schools which the Governors may hereafter establish. But that the National Board would not be concerned, unless the new schools were placed in connection with them in the ordinary way, in which case the Scheme provides that the Commissioners' rules and regulations must be observed. The other clauses which the National Board wants to have "eliminated," are clauses 21, with all respect, cannot be struck out. We shall

make them clear as to what they are to apply to, but they must be retained. Clause 21 enables the Governors to make bye-laws and regulations, a necessary power. The clause expressly says—that they shall not make any bye-law that is inconsistent with the provisions of the Scheme. We thought that provision sufficient to save everything for the National Board under clause 15; but if it is not sufficient, it must be amended. The other clause that they want to "eliminate," is clause 22, which defines the powers of the Governors. If that clause and the power to make bye-laws were taken out, what would remain?

Clause 25 begins:—

"Subject to the other provisions of this Scheme, and subject to the orders, rules, and regulations of the Commissioners of National Education, so far as regards the expenditure of the grants made by the said Commissioners and the use of the premises vested in them, the Governors shall exercise general supervision and control."

I cannot, at present, imagine any words that would more clearly prevent the powers of the Governors from being exercised so as to effect the National Board, but my colleague and I are ready to consider any amendment which Mr. White can suggest to make the clause more clear than it is. We cannot leave the Governors without any power; which would be the effect of "eliminating" the clause. The premises of the Munster Dairy School are vested in the National Board, and they are mentioned in the Schedule of the Scheme only for the purpose of identification. The vesting clause does not extend to them, it excepts all property vested in the National Board. The definition of "Endowments" excepts them, and does not include any property vested in the Commissioners of National Education in Ireland, save so far as the said Commissioners shall from time to time otherwise provide. I point out these clauses for the purpose of showing that we have tried to carry out the principle of the 14th clause; and I hope that the last letter which I have read reduces what we have to do to-day very much to the discussion of the terms of verbal amendments to make the Scheme perfectly clear. At the same time it is clear that the letter, taken literally, would destroy the Scheme altogether. We will now ask Mr. White to tell us what amendments he would suggest, and whether I have misstated or misunderstood the position which he wishes to take up.

2333. Mr. Pier White, Q.C.—Well, I shall tell you exactly what occurs to me in this matter. I certainly appear in a somewhat exceptional position, perhaps a somewhat individual one, because until I came into the room I had not an opportunity of considering this Scheme as fully and carefully as I did in the first week of last October, when I wrote a full opinion on it, consisting of several pages, and giving my views as to the only possible objections that struck me as applying to the wording of some of the clauses of the Scheme. Therefore until I came here today I was not aware of any intention to dispute the jurisdiction of the Commissioners. I see some of my clients here and I don't know whether they read my opinion.

2334. Lord Justice Fitzgerald.—Speaking for myself, I did not attend any of the meetings of the National Board at which this Scheme was on the agenda paper.

Mr. White, Q.C.—There are two or three critical—perhaps you might think them hypothetical—observations in my opinion on the Scheme. I would rather not state what I wrote as to your jurisdiction.

2335. Mr. Justice O'Brien.—Was it very offensive?

Mr. White, Q.C.—On the contrary; I have not the least objection to make to your lordships' jurisdiction. Let me assure it for the present because I really have not been instructed, nor am I at all prepared to argue that you have no jurisdiction.

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2384. Lord Justice FinnGUNNOR.—We don't want to exercise any jurisdiction in the matter. You may assume that we have not got it if you like.

Mr. White, q.c.—I would rather take the contrary assumption. I wrote in this case on the 7th of October last, an elaborate answer to various queries that were put to me formally by the Secretary of the Board in the course of business; and until I came into the room it had in a great measure passed out of my recollection. But Mr. Major has on the part of the Board supplied me with a copy of my opinion which I wrote; and passing over the jurisdiction point I don't know that I can do better than quote to your lordships what I wrote on that day. I first of all pointed out that clause 4 of the preamble affords a valuable key to the intentions of the Scheme and in conformity with clause 1 of the first schedule expressly exempts all the property, real and personal, of the Board from the new jurisdiction and power of the Governors. It would be highly inconvenient if it were otherwise.

2387. Lord Justice FinnGUNNOR.—We told them four years ago that we would not attempt to touch it.

Mr. White, q.c.—It is equally clear that the Governors would have no right to the money granted by Parliament, except with the consent of the Board, and that the functions of the Governors seem to be limited to aiding the Board by contributing an income out of their trust funds as a charitable endowment. I made no observations on clause 14, but clause 15 is very important. It provides that in the absence of some agreement expressly made between the Board and the Governors the School or Charity is to go on as heretofore under the existing conditions, rules, and regulations, just as if the Scheme had not been made; and the Governors might go on according to clause 16, as they thought fit, subject to any modifying agreement with the Board to contribute out of their funds towards the maintenance of the School by the Board. So far the matter appears to be quite clear. Clause 21 confers on the Governors a general power of making bye-laws and regulations for the good government and management of the School and Endowments, that is, the trust fund mentioned in schedule 2, and for otherwise effectuating the purposes of the Scheme; and it then declares that any such bye-law or regulation must not be inconsistent with the provisions of the Scheme. These words do not expressly include the regulations of the Board of National Education, that is, they leave it open to doubt as to whether rules made by the Governors which might be wholly inconsistent with the National Board rules might not nevertheless be valid. It seems to me that that doubt, if there be any in it, could be got rid of by the insertion of the words "not being inconsistent with the provisions of this Scheme or the rules and regulations of the National Board."

Mr. Justice O'BRIEN.—Section 26 covers that.

2388. Lord Justice FinnGUNNOR.—I think it would be an improvement to insert in clause 21 the words "or with the regulations of the National Board relating to any Endowments to which they are applicable." We must not give the Governors power to make any bye-laws affecting any property but their own.

Monsignor MOTTOY.—It might be provided that no bye-law should be made respecting the management of the present Dairy Farm which should not be consistent with the rules for the time being of the National Board.

Lord Justice FinnGUNNOR.—My way of putting it would be a little clearer. Supposing that they got a grant from the National Board for their Schools they could not, if those words were adopted, make any bye-laws that would be inconsistent with the National Board rules as regards that money.

Mr. Justice O'BRIEN.—Inconsistent with the provisions of the Scheme or with the rules and regulations of the National Board in relation to the property or moneys vested in them.

Mr. White, q.c.—It might be better for you to consider clause 25. Clause 25 goes farther in introducing room for doubt or ambiguity, because whilst expressly enabling the Governors to arrange with the Board for the managing of the lands and buildings, their property, and the grants from the Board to the Local Committee, it invests the Governors with a power of general superintendence and control over the departments and classes of the School, the admission of pupils, the fees, the periods of instruction, and the rules of discipline, such as appears to me to conflict with the jurisdiction of the Board over the general management of the School, and to leave great room for conflict or friction in the discharge of the respective functions of the Board and the Governors in future. I never for a moment contemplated that the legal advisers of the National Board and the Governors could not agree on a harmonious mode of carrying on the government of this institution, that all parties seem to agree is a most useful one and very beneficial to maintain in a state of efficiency; I have nothing to do with anything except seeing that the large interests of my Board are not in any way exposed to friction or possible conflict that might arise on the wording of the Scheme through the Local Committee making rules which would upset the management of this particular School as being under the management and control of the National Board of Education. My only object was to prevent friction.

2389. Lord Justice FinnGUNNOR.—But the Board's letter of November 21 asks us to eliminate these clauses altogether. Doesn't your difficulty turn on the use of the word "School"?

I remember that the first four lines of the clause say "subject to the other provisions of the Scheme, and to the orders, rules and regulations" of the Board, as far as regards the expenditure of their grants and the use of their premises.

Mr. Justice O'BRIEN.—Do not the words "use of

the premises vested in them" carry authority over all regulations connected with them?

Lord Justice FinnGUNNOR.—How would you propose to amend?

Mr. White, q.c.—Let me finish what I write. "None of these general powers of superintendence or management are expressly restricted to the trust funds or property of the Governors; and the power of the Governors to employ their own teachers seem also to me to be calculated to lead to inconvenience on the part of the Board in dealing with their employees who would also be subject to such a vague control."

2390. Lord Justice FinnGUNNOR.—What I have told you to-day must have explained what you could not have otherwise known. The idea of the Promoters of the Scheme has been from the beginning that the existing School is not all that they want; if they establish any new school they must have all necessary power with regard to that school. That was all we ever intended. I quite agree that the use of the word "School" would be ambiguous without a proper safeguard. Whether we can say, in any more express way than we have done, that the powers of the Governors shall not conflict with the powers possessed by the National Board over the property vested in them, I cannot see. It would not do to limit the powers of the new Board to the present Endowment, nor to the present School, because they want to get new ones.

Mr. White, q.c.—The final suggestion contained in the opinion which I wrote is, that some of these words should be brought to the attention of your Commission, if it could be done by anyone on the part of the National Board, and that you should be asked to make a few little amendments.

2391. Lord Justice FinnGUNNOR.—And we ask them to tell us what they are. Under our Act people are supposed to send in their amendments in writing, and we should have been most happy to consider any they sent. They have done better, because they have

and you, and now we will make any amendment you ask us to give effect to some excellent opinion which agrees with ours.

**Mr. White, q.c.—** Your Lordship is a Member of the Board, and I have got a client who knows more than I do.

**2393. Lord Justice FRAGGINS.—** You need not be so modest. The letter of the 21st says that "the Commissioners will be represented at the public sitting by Mr. Peter White, q.c., their Law Adviser." Speaking for myself, I am a client who won't have you for an adviser, and then advise myself.

**Dr. TRAILL.—** The Local Committee come forward with offers to assist, and the Commissioners of National Education accept the offer on a certain understanding as to the administration of public funds, and also on an understanding that the Local Committee shall co-operate with them in the forming of the school. I don't know how they are to do that, unless they have the requisite power.

**Monsignor MOTTOV.—** Your Board does not object that we should make provision for the management of the School at present existing—the present Dairy School—provided that the management is consistent with the rules, orders and regulations of the National Board so long as the School remains vested in them!

**Mr. White, q.c.—** Not in the least.

**2393. Monsignor MOTTOV.—** But the Scheme should give the Governors unrestricted power over the new school!

**Mr. Justice COLEBROOK.—** That is so.

**2394. Lord Justice FRAGGINS.—** Dr. Molley has been the Assistant Commissioner in charge of the Scheme, and we are under great obligations to him in connection with it. What we want is what he has said—some express statement in clause 25 that all the powers of management as regards the property with which the National Board is connected, should be transferred on agreement with the National Board, and that all the powers of the Committee over their own property should depend on their own inherent power.

**Mr. White, q.c.—** There is already in the Scheme proposed by Dr. Molley a general power that the two bodies may agree on anything.

**2395. Lord Justice FRAGGINS.—** The basis of the whole thing, as regards the existing School, is agreement between the Board and the Local Committee. We want to leave it so.

**Mr. White, q.c.—** As representing the National Board, all I require is, that the suggestions I have referred to make should be taken into account. You see that they are not unreasonable, and should be considered in the final wording of the Scheme. I still require the elimination of a single section.

**2396. Mr. Justice O'BRIEN.—** It occurs to me that the 25th clause is rather restrictive of the powers of the Board as it stands at present.

**Mr. White, q.c.—** That is of the new Board.

**2397. Mr. Justice O'BRIEN.—** Yes. It might be intended that the 25th clause gives power to the National Board to interfere concerning matters that may not be intended to have power over.

**Mr. White, q.c.—** That seems to bring the matter exactly to the point I have been speaking of. The National Board have rules as to the qualification of teachers which might not be complied with in the election of some particular teachers by the other members of the new Board. There might be a very serious conflict in that way.

**2398. Mr. Justice O'BRIEN.—** Would you contend that if there was a new school in the new buildings occupied by the new Board, the Commissioners of National Education could assert any right of control over it?

**Mr. White, q.c.—** I think so, as far as it would be purely a National School.

**2399. Lord Justice FRAGGINS.—** That difficulty will be met in the ordinary way. If a new school is started, the Board can say—"We won't give you any

aid," or "If we do, you must take it subject to our rules and regulations." That is provided for in our common form in this and every other Scheme.

**Sir George Colebrook.—** Our idea is to preserve the present School entirely for dairy instruction, and to start another one for the other purposes, not in the same premises.

**2400. Monsignor MOTTOV.—** I think, Mr. White, what we want is a definition of the word "school," which shall apply only to the present Munster Dairy School; and then to have another term to represent any new institution which may be opened by the Governing Body. We could preserve the power of your Commissioners unchanged over the existing School, and allow the new Body to make their own bye-laws and regulations with respect to any new institution.

**Mr. White.—** The Board of National Education can decline to give or to do anything that they don't approve of.

**2401. Lord Justice FRAGGINS.—** Every dealing with the National Board will be the subject of agreement with the Board. We want to indicate on the face of the Scheme, that the agreement with that Board which exists at present shall continue until it is altered with the Board's consent. We cannot take the management of the School from the National Board; but if they should be of opinion, as Sir Patrick Keenan was in 1873, that they would be better without it, they can make an agreement to that effect. We cannot facilitate its being handed over to the Governors otherwise than by the authority of the National Board.

**Mr. Justice O'BRIEN.—** If it were handed over, the authority over it would be still subject to agreement with the National Board.

**2402. Lord Justice FRAGGINS.—** That was the position very much in 1873. The National Board wanted to get rid of it, but the Committee were afraid to take it, and the agreement made at that time was, that the sinecure of war were to be provided by the National Board.

**Mr. Justice O'BRIEN.—** The Committee say that if there be a new school or an extension of the present School, this will not come under the control of the National Board, whilst the Board assumes the contrary, because the Commissioners think the whole would form one institution or school.

**2403. Lord Justice FRAGGINS.—** That would be so if the new part of it was aided by the National Board. But they could only aid it under their legal powers, and any aid granted by the Board must be subject to their rules and regulations. If the Governors take 150 acres of land, and place it in connection with the National Board as a "non-voted" institution, the rules and regulations of the Board will apply to the expenditure of any aid which they give.

**Mr. Justice O'BRIEN.—** Suppose they did not care for a supply from the Imperial Treasury—which is a wild hypothesis—and said—"We will carry it on with our own funds," the National Board could not interfere with them.

**Mr. White, q.c.—** They could only withdraw their aid.

**2404. Lord Justice FRAGGINS.—** But the Governors can get a half-penny rate from the local people, and can supplement it with an equal sum from South Kensington, without going to the National Board at all, and the National Board is not concerned to object to our helping them to do so.

**Monsignor MOTTOV.—** If the Local Committee were to withdraw from the present School, the presumption is that it would fall back into the condition in which it was in 1873, and the National Board might find that the landlord would refuse to take it off their hands, as he did before.

**Mr. White, q.c.—** We were going to sell it in 1873 under the direction of the Treasury.

**2405. Lord Justice FRAGGINS.—** But nobody would buy.

Mr. White, q.c.—The landlord had ulterior views in relation to the general interests of the country.

2400. Monsieur MOULIN.—He knew he had a good tenant.

Lord Justice FITZGERALD.—He left nothing to imagination. He refused to accept a surrender, preferring the £150 rent secure, to getting £13,000 worth of buildings up with his hand.

Mr. White, q.c.—We were assured by the committee in Cork that they would supply us with funds.

2407. Lord Justice FITZGERALD.—Mr. White, I hope that as the legal adviser of the Board you won't insist on leaving out the last clause in page 4. I don't think your instructions require it. The clause is "so long as the School remains in connection with the Commissioners of National Education, and any part of the cost of maintaining the same is defrayed by money provided by Parliament, the said Commissioners may elect two Governors to represent them." They need not do it if they don't like. Why should we leave the clause out?

Mr. White, q.c.—I am only anxious that you should not fall into any mistake about my right to represent the Board. My own idea is that that clause should remain in the Scheme.

2408. Mr. Justice O'BRIEN.—You may bring a horse to the water but you can't make him drink.

Mr. White, q.c.—I have no objection to the clause.

2409. Lord Justice FITZGERALD.—Well then the substance of your only objection comes to this, that you want to make it clear that the powers of the Board in relation to the existing School are to remain as now, except so far as the Commissioners agree to the contrary with the new board.

Mr. Justice O'BRIEN.—I would have thought that there was something unusual in declaring that all the property and endowments mentioned in the second schedule should vest in the Governors with the exception of the property of the National Board, and then mentioning that property in another schedule.

Mr. White, q.c.—I thought that that schedule should be removed.

2410. Lord Justice FITZGERALD.—It is not covered by the vesting clause. The definition of the "endowments" includes the Government Stock and Funds described in the second schedule, with all moneys held by any person except the Commissioners of National Education in trust for application to the Scheme; but it does not include any property vested in the Commissioners, save so far as the Commissioners shall from time to time otherwise provide. The first schedule is only referred to for the purpose of description in the rentals of the Scheme. Now, Sir George Colthurst, we shall be glad to hear you.

SIR GEORGE COLTHURST, Bart., expressed his gratitude to Lord Justice FITZGERALD for having stated the matter involved so clearly and distinctly. His own task was thereby very much shortened. Your lordship—the speaker continued—alluded to the Technical Instruction Act and to the Department of Science and Art, and to the minute recently issued by that Department. I should like to say that at the commencement of this School the first idea that seized the Local Committee was, that the instruction which is at present only given to male agricultural pupils should for the first time in the United Kingdom be extended to female pupils. In May, 1880, the Commissioners of National Education having objected to the admission of female resident pupils, a resolution was passed at a large meeting of the Local Committee appointing a deputation to wait on them and ask them to reconsider their resolution on the point. That deputation included myself, Mr. Crawford, Mr. Barnfield, and Mr. Leahy. I wish to place on record the fact that our proposal to extend to female pupils the advantages of instruction in dairyfaring and husbandry was first objected to by the National Board. We had an interview with Mr. Keenan, who told us that our

proposal could not be entertained, that the male teachers had been given board and lodging at the Model Farm, and that female pupils could not be admitted. We believed that unless female pupils were admitted into the School it never would become a success.

Eventually we had to undertake to pay £100 a year to the Commissioners of National Education to provide lodgings for our pupil teachers at the Munster Model Farm. There was a statement made further on by the Commissioners that at the time when we brought this matter forward, when the School was started, they had under consideration the desirability of extending the then dairy department. Mr. White seems to think that the proposition as to subscriptions has not been carried out as well as it might have been. He will forgive me for saying that £100 a year was a pretty severe tax to be paid, not for the purposes of the School but merely in order to obtain lodgings. I only go into the history of the past so far as it may teach us how to act in the present. I also quote the statement of the Commissioners in which they assented to this, on the understanding that we contributed £100 a year for three years towards the expense of housing the head master and the pupil teachers in the Model School, in order that the experiment might be tried. The experiment continued to be such until the year 1883. Out of 135 pupils who attended that school, 78 were paid for and did not pay for themselves. Of these, 56 were absolutely paid for by members of the Committee, and the remaining 22 had their fees provided by subscribers to the Institution. After 1883 we kept no further records of that kind, because the success of the School had become assured, and our only difficulty was that we could not accommodate the pupils who came. In 1884 we proposed to the Commissioners of National Education that their instruction should be continuous for six months—that is, three terms of dairy instruction instead of two. They acceded to that request, and ever since then we have had more applications for places than we can fill. It was thus proposed by the Committee that branches for agricultural education, similar to those in Gloucester, should be formed. A sum of £100 a year was contributed by the late Mr. Cawfield for the purposes of agricultural education, but it was lost to us because we were unable to give the education to male agricultural students that was necessary. He would not contribute that £100 a year because we had not the means and appliances for giving the education that was in his opinion necessary. From 1884 up to the present time, we have made repeated and almost importunate requests of the Commissioners of National Education, to enable us to buy more land for the purposes of carrying out the male department of agricultural education. We are quite convinced that the Commissioners recognise the necessity for such education in the country quite as much as we do. But we recognise the fact that their hands are tied by the Treasury, and therefore we concede willingly that they cannot provide the money. The question now comes to this—where is the money to be got from? Your lordship has alluded to the first time the Educational Endowment Commissioners sat in Cork. On that occasion I was not present, but as you have told us—we could not agree amongst ourselves.

2412. Lord Justice FITZGERALD.—That was the second time. The first time was when we saw Dr. Sullivan.

SIR GEORGE COLTHURST.—It was hopeless then to endeavour to proceed with a Scheme; but we consider that the time is now ripe. We consider that we have given evidence of that in the resolutions of all the public bodies who have joined with us. Some of the gentlemen who were our bitterest opponents in the previous session have come forward and supported us in every possible way; and we believe that the country—at far as we can speak within our

knowledge—is alive to the necessity for providing good education, and that the inhabitants are willing to give practical proof of that by putting their hands into their pockets to pay for it.

When the Technical Instruction Act was first brought in, in 1891, we were pressed by members of Parliament and others to take advantage of it as a means of increasing our income. We did not consider the time to be ripe then, because although we were enabled to strike a rate in aid for technical education, there was then no provision by which such aid could be supplemented by any public department. But Mr. Arnold Graves in 1892 brought under our notice the minute of the Committee of Council on Education of the Department of Science and Art, which recited the circumstances under which they proposed to give grants in aid of technical instruction in Ireland. The reason for that, I take it, is that certain sums are given to the County Councils in England which they expended in almost every case in aid of agricultural instruction in Schools in which several of those who were trained in our Dairy School are spreading the light, and giving the instruction which they received in our School to our presumably better informed and more cultivated English brothers and sisters. I think that is perfectly fair and legitimate, our only object being to promote the spread of agricultural education and not to put ourselves forward, or to become as might be supposed the sons of Levi ready to use our hands to anything. Finding that the Commissioners of National Education were unable to provide the money for this larger Scheme, we proposed to try whether there was a foundation for our belief in the sincerity of the views expressed by all those who were conversant with the necessities of the case, including the local bodies who expressed their willingness to contribute; and we therefore determined to apply for a Charter to enable us to carry out this Scheme, if we got it; but if our ideas and anticipations should turn out to be wrong, and there should not be such a feeling in the country, no harm will have been done. But at all events I don't think we should be justified, believing as we do in the importance of the spread of agricultural education, in not trying to take advantage of this Minute of the Science and Art Department.

2413. MONSEIGNEUR MORLEY.—The effect of the Minute is that, whatever aid is given by Local Boards will be supplemented by an equal amount from the Department.

Sir George Colthurst.—Subject to certain restrictions which are easily got over. I may say that some of us have had experience of almost the same thing, though not out of the surplus of the Cork Exhibition, where a fund which we give in travelling scholarships. A sum of £2,000 is invested for that purpose; and every pound that we give out of it is supplemented by the authorities in South Kensington. We think that having succeeded so well in that, we should not be justified if we did not seize on the present opportunity. I don't suppose I need go very clearly into the part the Committee have taken in the management of the Schools, but as it has been stated, I think by Professor Carroll, that "it would not be correct to state that the work of agricultural and dairy instruction in the School is carried on by the Local Committee," I should like to point out that ever since our School was started, we, ourselves, out of the subscriptions we obtained from friends, and out of our own pockets, have been obliged to pay for the lectures in Veterinary Science and in Chemistry; and I fail to see how an agricultural institution can be carried on unless such lectures are given. We have also annually contributed £50 to supplement the salary of the manager, and we have given in prises about £50 a year. Mr. White says he does not think we have contributed as much as we ought.

Mr. White, Q.C.—Oh no, I did not.

Sir George Colthurst.—I should like to put before

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you the actual amount of money that the Local Committee have spent in aid of the School. It may not seem a large sum, but still it amounts to more than half what the Commissioners of National Education received from the Treasury and expended on the School. And remember that every farthing of it came out of the pockets of our friends in the locality, with the exception of contributions from the Royal Dublin Society, and one or two other Societies. Since the School was started we spent £3,449 10s. 11d., and the Ladies Committee, which is an adjunct of ours, and which takes charge of the domestic economy of the girls, has expended £695, making a total of, roughly speaking, £4,000. The National Education Commissioners have expended £7,310. I don't think it is true to say that our subscriptions are now what they were, I don't think it would be quite correct to say that our subscriptions have fallen off because we did not get as much control as we thought we ought to have got over the School. They fell off in one instance because we were unable to carry out thoroughly the Scheme with which we started; and in that instance we only lost £100 a year. And then many of those who were our principal subscribers have, through the necessities of the times or adverse circumstances, been unable to continue their subscriptions. But I believe that we have now reached what I may call the dead level of our subscriptions, and that there is not the slightest ground for anticipating that we shall get any lower; on the contrary I think we shall increase. But as I said before, we look entirely on the Charter as the means of obtaining the necessary funds. We are very glad to find that the Commissioners of National Education have withdrawn their objections. So far as we are concerned we shall be always prepared to work with them in every way we possibly can. Of course there has been at times a certain amount of delay in answering our requirements, and we have had from time to time to press for certain requisites, but I don't think, in view of the conciliatory attitude they have assumed to-day, that it will be necessary to take up your time by going into their objections. I was under the impression, when I saw that they objected to the Scheme, that we should have to defend our position. I am happy to see that that is not so. I am not in the least degree anxious for a fight. Mr. Byrne, who represents the farming interest, and Mr. Dunn, who is brought more immediately into connection with the agricultural community, will tell you that what we represent to you is not a vain hope or an *ignoramus*, but that there is a firm belief in the country that we can get the support we hope for. In conclusion I have to thank you for the patience with which you have heard me. The experiment which we have been allowed to make, although it was doubtful for two or three years, has, I think, turned out an absolute success; and we see no reason why an extension of the Scheme on a larger scale should not have the same success.

2414. Lord Justice Fitzgerald.—Mr. Byrne, we would be glad to hear you too.

Mr. Byrne.—I took an active part in the promotion of this Master Dairy and Agricultural School from its inception. I always regarded as the great drawback to its progress that no provision was made for the education of the boys. I believe the Dairy Department to be nearly as perfect as it could be. We have all the modern appliances there, and the School is fully attended, but the great drawback is that we have only four months for the boys. Our idea is that there should be a continual session for the boys as well as the girls; and for that we should get some land. We should get land with different varieties of soil, so as to instruct our new men how to deal with the different classes of land in the country. We should also have some trees planted in a portion of it so as to give some instruction in forestry; and we should be able to teach our young men how to

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breed the different varieties of stock. We have no sheep on the farm. We breed no horses there. Of course there are things that the rising generation of farmers should be instructed in. No drainage works or works of reclamation are being carried on; and there are things that the rising generation should receive instruction in also. I find that in Denmark a young man in order to get a diploma in agriculture has to complete three years instruction as well as to attend for six months in an agricultural school. In all the schools on the Continent and in America the course is never less than two years. In the name of goodness what can we expect from a young farmer who has only a term of four months to receive his education in?

2410. Lord Justice FinnGarrison.—What four months are they?

Mr. Byrne.—The four winter months.

2411. Lord Justice FinnGarrison.—Then they are taught nothing about harvesting?

Mr. Byrne.—Nothing about harvesting.

2412. Dr. TRAHL.—Would not a farmer's son learn these things better at home? We find in the North of Ireland that the farmers themselves teach these things better than any Government department.

Lord Justice FinnGarrison.—In Munster you are taking the first step towards improvement in learning that you don't know everything.

Mr. Byrne.—In every civilized country agricultural education is extending, and it is found that science must be availed of in order to teach the farmers to advantage. You must take into account the advantages of science. In Denmark the amount of butter produced and sent from that country has increased tenfold; and in like manner all the agricultural produce has increased. In the bacon industry two millions' worth of bacon is now being exported (nearly) from the small kingdom of Denmark, whereas two years ago none was exported, and that simply because the young men have been educated there. The idea in our country is that there is no country under the sun which wants education more than Ireland because it is solely dependent—

2413. Dr. TRAHL.—Is not there an idea of buying some adjacent land for this place?

Sir George Colthurst.—In 1886 it was up for sale, and we offered to expand the greater part or the whole of our £2,000 in acquiring the interest in it, provided that the Commissioners would undertake to work it, but they refused.

Mr. Byrne.—I have had a great opportunity of meeting the farmers all over the province of Munster; I do a great deal in the way of valuing land; and I find a general consensus of opinion that the time is ripe for such an institution as we are promoting. I have been speaking to a great many members of the Poor Law Board, and they say that they will contribute small amounts.

2414. Dr. TRAHL.—One of your requirements is good agriculture, another is the planting of trees; and the third is wasteland. Where would you get any land within reach of the institution that would be suitable for those requirements?

Mr. Byrne.—If we had the funds we could get the land.

Mr. Justice O'BRIEN.—Hardly near Cork.

Mr. Byrne.—Not in the immediate neighbourhood, a few miles away. But it should be near a railway station.

2415. Lord Justice FinnGarrison.—There are a good many localities in the county of Cork where a person who was not an agriculturist would say that you would get bog land and land suitable for tillage and planting, all lying together.

Mr. Byrne.—There are several places between Mallow and Cork.

2416. Mr. C. J. Dens.—I believe that the good work which has been done by the Munster Dairy School is mainly due to the appreciation of it by the people of

Munster. Although I am not much acquainted with agricultural matters, I have had an opportunity, as Chairman of the Butter Market Trustees, of observing the improvement that has taken place in the making of butter since this School has been at work. The best brand that we give is "superfine," and I notice that during six years the quantity of butter so branded has increased six fold. This I believe is greatly due to the training that has been given in this School. Our Head Inspector, Mr. Forrest, has several times alluded to the beneficial effects of the School, and in one of his reports he stated that he considered the most hopeful item in the entire butter trade to be the education given at this School. I say without fear of exaggeration that for every shilling expended on the Munster Dairy School there has been a hundred-fold produced in the increased value of the butter made in this largest butter market in the world which I preside over. I believe the people of Munster have thoroughly seen the extraordinary results that have been produced by the School, and that they are fully alive to the results that may be expected from the proposed scheme.

2417. Mr. Justice O'BRIEN.—A Commissioner was appointed by the Royal Dublin Society and sent to examine the manufacture of butter in Normandy, and to procure intelligence for this country as to the scope of education pursued in the schools there and elsewhere. I passed a good deal of my time in Normandy, and I was struck by the extraordinary superiority of the article produced there. They make that superiority a great means of increased profit to themselves. The butter they sell through Normandy is of the finest kind.

Mr. Beaufort.—The very finest class of it goes to Paris.

Mr. Justice O'BRIEN.—The superiority of the Normandy butter is something that you cannot comprehend.

2418. Lord Justice FinnGarrison.—It should be borne in mind that the raw material which produces less than one-third of the price is the same as that of the best quality; in other words, it is entirely in the manufacturers, and not from anything in the original product, that the loss of price takes place. The figure Mr. Dens has mentioned is now and very encouraging. The newspaper reports do not tell the approximate quantities of the different qualities of butter in the market; but when he tells me that the quantity of the first brand has increased sixfold, it is about the most encouraging thing one could hear.

Mr. Dens.—I took it from the official returns.

2419. Mr. Justice O'BRIEN.—And you attribute it to this School?

Mr. Dens.—I do.

2420. Mr. Justice O'BRIEN.—And not to the increased competition arising from the introduction of Danish butter?

Mr. Dens.—It may have been stimulated by that. The stimulus alone would not be sufficient if they had not the knowledge as to how the butter ought to be made.

2421. Lord Justice FinnGarrison.—You gave us some information as regards the demand for girls, after we left the School, to fill situations. Does that confirm still?

Mr. Beaufort.—Yes.

Sir George Colthurst.—The superintendent wife, Mrs. Smith, has always more applications than she can supply.

2422. Lord Justice FinnGarrison.—That is the best possible proof of the School's usefulness, but we must not forget the immediate business we are on. It is stated in the Revised Scheme at page 5 that an annual contribution of not less than £200 is to entitle a public body to elect one Governor. You propose that the whole of the halfpenny rate should be given when that is the qualification?

Sir George Colthurst.—The extent of the Cork Union

as compared with that of Schull is as fifty to one; and the latter had to give £50 to entitle them to elect a Governor it would be tremendously unfair. The best way would be to strike a rate.

245. Lord Justice FIRZGRIFFIN.—The difficulty we had was that some of the unions are so big that a half-penny rate would produce a very large sum. Under the Technical Education Act, as I read it, that rate would be applicable to other purposes than Agricultural Education, and we were afraid that if we did not fix some sum, the Guardians would not give you the entire half-penny, and under the Original Scheme they would get no representation unless they struck a whole rate and gave the whole produce of it to the School.

Sir George Colthurst.—The valuation of the Cork Union is £358,000, and that of Schull only £15,000.

246. Lord Justice FIRZGRIFFIN.—A half-penny rate as at first would produce £750. You could hardly expect to get that.

Sir George Colthurst.—The ratepayers of both Cork and Schull Unions would pay the half-penny.

247. Monsignor MELLOR.—There is nothing to prevent their giving you the whole of the half-penny rate, but what we thought was that if we put into the Scheme that they must do so or forfeit all representation, it might deter the large unions from levying the rate at all.

Sir George Colthurst.—If our calculations be right as to the estimate of all the Boards contributing, as we hope will be the case, we should not want the entire half-penny.

248. Lord Justice FIRZGRIFFIN.—That is exactly my point. The first Scheme would have given no representation unless they levied and paid the whole rate, and that was which made us give the alternative of paying £50.

Monsignor MELLOR.—Supposing the Cork Board said "we will give you £400 a year but we won't give you the entire half-penny," this Scheme as it has drafted it would give them votes on the Board of Governors. As you propose the matter, it will withdraw their right.

Sir George Colthurst.—Allowing that some unions will not contribute, it would come to not so much as half-penny in the £1.

249. Lord Justice FIRZGRIFFIN.—You want £4,000 a year.

Sir George Colthurst.—Yes, but we have other unions.

Mr. Beaufort.—Our calculation is that if all the various unions in the county were to contribute, we should not want the whole half-penny from each.

Mrs. Monsignor MELLOR.—Your proposal was to give the whole half-penny or nothing, and you might as well nothing. We have it to them to give you the whole half-penny if they like, but to give them a sum if they give you £50.

Lord Justice FIRZGRIFFIN.—They might accept the simpler alternative.

Sir George Colthurst.—It would be an anomaly, for £50 from the Cork Union would be nothing, but from the Schull Union it would be a great deal.

250. Lord Justice FIRZGRIFFIN.—They would be more likely to put on a half-penny rate and divide the proceeds of it, partly for agricultural education, and partly for the other purposes contemplated under the Act. You would leave them no power of spending money raised under the Act for any purpose except agricultural education, without forfeiting their representation on the proposed body. It is a matter of compromise between the two arrangements. There is an argument in favour of your conclusions, but there is also an argument in favour of ours.

Sir George Colthurst.—If you say that £50 is enough to entitle them to a Governor, they won't pay any more.

251. Mr. Justice O'BRIEN.—There would be that temptation undoubtedly.

Dr. TRAHERN.—I would go for the whole half-penny if I were you.

Sir George Colthurst.—Could you say one farthing in the £1?

252. Lord Justice FIRZGRIFFIN.—If that were done you would have the small unions giving the farthing which in the case of some of them would not come to £50.

Mr. BYRNE.—We might get assistance outside the county.

253. Lord Justice FIRZGRIFFIN.—Let them either give the half-penny in the £1, or, if the proceeds would exceed a certain sum, then let them give you not less than half the proceeds of the rate. Something of that kind would do, because I quite see that if £50 be fixed, they will give no more. Would it not do to recognise the fact that there are big unions, and to say that they should either give you the whole proceeds of the half-penny rate, or that, if it exceeded say £50, they should give you not less than half the proceeds of the rate, and then they should get one representative.

Sir George Colthurst.—I think that would do.

254. Lord Justice FIRZGRIFFIN.—I would put it in this way, that if the rate produced £50, they should give you not less than half the proceeds. My next point is a decided improvement, for in place of keeping up Life Governors, you want that office to be confined to those who have earned the position; and when vacancies occur they are to be added to the elective part of the body.

Sir George Colthurst.—We thought so.

255. Lord Justice FIRZGRIFFIN.—You propose that twenty subscribers shall be entitled to convene a special meeting, and that seven should be the quorum of subscribers.

Sir George Colthurst.—There should be a quorum and it should be not less than seven.

256. Lord Justice FIRZGRIFFIN.—The quorum of the Governors is five. You want another amendment which we cannot make, and our experience shows that it would be bad for you if we could. In section 22, you want to have your accounts audited by your own nominees. We cannot do that because the Act of Parliament makes the Local Government Board official auditors under all these Schemes, either by themselves, or by sanctioning somebody else. They have one officer appointed for this work, and he takes the trouble of drawing up all the accounts in common form. The cost of the auditing is from £1 to £3. We must have it done in that way, and you will find no trouble in connection with it, for it works most smoothly.

Mr. BEAUFORT.—We might wish to keep our accounts in the name of certain persons.

257. Lord Justice FIRZGRIFFIN.—That you can do for yourselves, if the form of account is approved by the Local Government Board. They have adopted a good form, and they are working most harmoniously with the parties in the case of other Schemes.

Monsignor MELLOR.—It is only a sort of balance sheet.

258. Lord Justice FIRZGRIFFIN.—Your own accounts you can keep in any way you like. Now as to clause 25—you have got Chaplains not so much for giving religious instruction as to look after the religious duties of the pupils; and you want to insert after the words, "to make arrangements as to the religious exercises of the pupils," the words—"subject to the approval of the Governors." The question is whether the Governors are wise to meddle with this.

Mr. BEAUFORT.—The idea was merely a question of arrangement—to me that it did not interfere with the working of the School.

259. Lord Justice FIRZGRIFFIN.—The words, "subject to the approval of the Governors," should come in after the words, "such arrangements." You also want to add to the 27th clause what would be a distinct improvement, namely, a statement that the "ex-

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bitions" to which it refers may take the form of travelling scholarships.

*Sir George Colthurst.*—We might want to send a boy to Denmark.

2444. *Monsignor Molloy.*—With regard to the Chaplains, do you want any control except as regards the fixing of a convenient time?

*Sir George Colthurst.*—No, none whatever.

*Lord Justice FitzGibbon.*—The duties of the Governors should not extend to meddling with whatever instruction the Chaplains may desire to give.

2445. *Dr. TRAHL.*—Are those religious instructions compulsory?

*Lord Justice FitzGibbon.*—No; but if there was not some provision about them, the Chaplains might want the pupils to attend religious duties or instruction and the Manager of the School might say:—"No, you must stay at home and mind the cows."

2446. *Mr. Justice O'Brien.*—Or the Governors might act capriciously and say that they would not allow Mass to be said except in some place which would be wholly inconvenient.

*Dr. TRAHL.*—Or on the other hand, the Chaplains might want to celebrate it in an inconvenient place.

*Lord Justice FitzGibbon.*—The best way will be to limit the power of the Governors to the appointment of convenient times.

2447. *Dr. TRAHL.*—Surely the place should be fixed as well as the times!

*Mr. Justice O'Brien.*—No, by no means.

2448. *Lord Justice FitzGibbon.*—You also want power to include amongst the expenses of the School the railway fares paid by the representatives of the Boards of Guardians attending the meetings of the Governors.

*Sir George Colthurst.*—The representatives selected by the subscribers should pay their own fares, but it would be hard to ask a man coming from Sligo to pay his own fare.

2449. *Lord Justice FitzGibbon.*—It is not to be compulsory on you to include these fares.

*Sir George Colthurst.*—No, we only want power to do so.

*Monsignor Molloy.*—But it is to be only the rail-way fares.

2450. *Lord Justice FitzGibbon.*—We shall say in the Scheme "intending from a distance." Now, Mr. White, I think we may thank you for your assistance. We will carry out the things that you want, and I think you will advise the Commissioners that the Scheme is all right.

2451. *Sir George Colthurst* (to the Commissioners).—On behalf of the Local Committee I thank you most sincerely for the manner in which you have acted to-day. You have guided and assisted us in our project, and I sincerely hope it will be a success. We cannot thank you sufficiently for the time and trouble you have taken.

The inquiry then terminated.

## PUBLIC SITTING—SATURDAY, DECEMBER 2, 1893.

At the Court House, Glenarm.

Present:—The Right Hon. Lord Justice FITZGIBBON, Judicial Commissioner; and the Right Rev. GERALD MOLLOY, D.D., D.S.S., ANTHONY TRAHL, Esq., LL.B., M.D., F.R.C.P., and Rev. H. B. WILSON, D.D., Assistant Commissioners.

The Secretary, N. D. MURPHY, Esq., M.A., was in attendance.

### SCHEME No. 12.—THE GLENARM PAROCHIAL SCHOOL.

#### OBJECTIONS AND AMENDMENTS.

2452. *Lord Justice FITZGIBBON.*—We have come to Glenarm to-day to hear evidence with reference to two Draft Schemes, one relating to an endowment in Glenarm, and the other to an endowment at Cromkill. The cases are entirely distinct. We shall hear the Glenarm case first. Under our Act of Parliament it is our duty first to make inquiry as to the nature of the endowment. Then a Draft Scheme as prepared either by the whole Commission, or, if no question seems likely to arise, by one or more of the Assistant Commissioners. Then the Draft Scheme has been published, and for two months those interested can send forward objections or amendments. When these have been received we sit, as we are doing now, to hear the objections, and then proceed, if necessary, to revise and complete the Scheme. That is done by the Judicial Commissioners. Mr. Justice O'Brien having been obliged to go on the Winter Assizes could not come here to-day, and I am therefore bound to take the responsibility for any final Scheme that we may agree to present to the Lord Lieutenant. If the parties interested are not satisfied with the result they can present their objections before the Privy Council. I would however hope, from what I see in the papers, that in neither of the cases to come before us to-day ought it to be found impossible to settle matters without going further. But you will all understand that the matter now rests

entirely with the Judicial Commissioners, and that we have not yet had any opportunity of considering either of these cases until to-day, and that we are ready to consider them as if they had not been so far dealt with at all.

Some evidence as to the Glenarm School was given in Belfast in 1891. Mr. Dudley-Jones, rector of the parish, then informed the Commission that there was a grant for a school in Glenarm, of which he had not been aware, although a considerable time in the parish, and Lord Antrim's agent also said that it took him by surprise. We have since got a copy of the deed, which is dated February 9, 1835. It is made between Rev. Wm. Wesley, rector of Tickmacreeve, of the first part, the Lord Bishop of Down and Connor of the second part, and Edmund McDonnell, Anna Catherine, Countess of Antrim, his wife; Thomas Davison, George Hallinan, and Stewart Dunn, alias the trustees, of the third part. It recited that Rev. Wm. Wesley, desiring to establish a school at Glenarm, granted to the trustees

"The plot or piece of ground being part of the globe lands of Tickmacreeve, more particularly described in the schedule hereto, to be held upon trust and for the use of a resident schoolmaster to be hereafter appointed by the said trustees and their successors, conjointly with the minister of the parish of Tickmacreeve and his successors, and for no other use, intent, or purpose whatsoever, the said trustees

and their successors paying to the Rev. Wm. Wolseley and his successors the sum of one penny on May 1 every year, and by the said indenture the said Rev. Wm. Wolseley granted and agreed to expend in and upon the erection of an and plot or place of ground of a house of residence for the schoolmaster, with suitable accommodation for the government instruction of scholars to be taught at such school, a sum of £175 granted for that purpose out of the fund known as "the Lord Lieutenant's School Building Fund" and a further sum of £175 to be provided by the said Rev. Wm. Wolseley for the purpose."

The grants from "the Lord Lieutenant's Fund" were similar to those now made by the National Board, but they were almost always supplemented by local contributions, and probably the rector made up £175 by subscriptions to be added to the grant. The Draft Scheme contains a recital that that the schoolhouse and a residence for a schoolmaster were erected, that a school was established, and that it has since been carried on, and is now known as "the Glenarm Parochial National School." The Scheme then proposes the formation of a local governing body for the school. All the parties interested will understand that one of the main objects of the Scheme, apart altogether from matters of controversy, is the formation of a separate body to hold the property, but bound to administer the Trust according to the terms declared, and the constitution of the governing body is a matter of great importance, to avoid the risk of the trust property being diverted to other purposes. We have noticed several objections to this Draft Scheme. The first is from "the Glenarm Presbyterians." They say:-

"We, the Presbyterians of Glenarm and vicinity, having by a mere chance seen the Draft Scheme for the future management of what is called in said Scheme 'The Glenarm Parochial National School,' beg herewith to lodge our objections to the said Scheme on the following grounds:—The very wording of the Scheme is unfair and misleading, respecting to the school the Scheme says—'Known as the Glenarm Parochial National School.' Now, the word 'Parochial' never was attached to the school either officially or locally until so attached in the Scheme. In the trust deed under which the school was founded, £175 is said to have been advanced by the Rev. Wm. Wolseley 'and by other persons'; in the Draft Scheme the words 'and by other persons' are suppressed."

I am sorry that these words were omitted. They should have been in the Draft Scheme, and I don't know how that happened, but that is just one of the things that a sitting such as this is intended to rectify. The judicial Commissioners have not seen the Draft Scheme, but I may say that in reading deeds we are always anxious to root out everything material in it. The objection proceeds to state that the trust deed is silent as regards religious instruction, and that in the formation of the school the teachers have been Episcopalians, Presbyterians, and Roman Catholics. As regards religious instruction, the trustees hold that the rights that all denominations should have in the matter should be preserved. The next objection is from Lord Antrim who says that the deed was not "a valid deed of trust, as it was not executed by the Bishop of the Diocese," that it was not acted upon, nor was any residence built upon the ground. If we find a deed sixty-eight years old stating that there was a grant from the Lord Lieutenant's Fund the presumption is strong that there was such a grant, and we can refer to the reports of previous Commissioners to see what the facts were. Lord Antrim says that the title of the schools is wrongly stated. He then says:-

"The said schools have always been under the management and control of the present Earl of Antrim or his predecessors, the masters and mistresses thereof have been appointed by him or them, and the repairs and necessary expenses defrayed by him or them."

It is then stated that the present schools are built upon ground not comprised in the deed, and which was provided by Lord Antrim or his predecessors.

If they are not built on the ground mentioned in the deed it would dispose of the first part of the objection whether the deed was executed by the bishop or not, otherwise the fact of the school being in existence upon the desired ground would show that the deed was valid and was acted upon. He says the Scheme as drafted will take the control of the schools out of his hands, and will turn an undenominational school into a denominational one, and hand over to the management of the Church of Ireland schools at which considerably over half the scholars are and have been Presbyterians. And then he says—There is no necessity for any Scheme, and no desire on the part of the inhabitants of Glenarm for one. Should it turn out that there is doubt as to the validity of the deed, or as to the identity of the premises, these matters can be set at rest by the completion of a Scheme of some kind. We shall be glad to have the control of the schools in the hands of those entitled to it. It is stated in the deed that ground was granted for ever in trust for the use of a resident schoolmaster, to be appointed by the trustees conjointly with the minister of the parish of Tirkennedy. Five trustees are named in the deed, and two at least of them would be now represented by Lord Antrim—namely, Edmund McDowell and his wife, Anne Catherine, Countess of Antrim. The three others were Thomas Davison, George Hollings, and Stewart Dunn, and I should be glad to receive evidence as to who these people were, what were their positions, and also as to their religion, and how they best could be represented now upon a new governing body. The minister was only one of six to act conjointly with the others.

The Glenarm Presbyterian Congregation object to the title of the school being changed to the "Glenarm Parochial School." They say it has always been known as "The Glenarm Male and Female National School," and never before had a denominational title. As to that we will take evidence. They object to the constitution of the governing body for the following reasons—That it makes denominational a school which has always hitherto been undenominational, that it hands over to the control of the Church of Ireland a school which was never previously under its control. They say that one of the original trustees was a Presbyterian, and that as long as any inhabitant can remember the school has been carried on under the management and patronage of Lord Antrim or his predecessors for the benefit of all denominations equally. The last thing we should desire to disturb would be any management carried on by a resident proprietor for the benefit of all denominations. The Glenarm Presbyterian congregation then add that if the management of the school is to be changed the Presbyterians should have representation on the governing body proportionate to the number of their children in attendance at the school.

There is also an objection from the Rev. G. M. Cowden in the form of a letter to the Rev. H. B. Wilson, D.D. He says:-

"I may say this matter was sprung upon us at first. Both parsons and manager tell us they knew nothing of it; besides, we thought that there would have been another meeting of Commissioners before the Scheme would be formulated, or else we would have taken action sooner."

It is not our fault if you took no notice of the matter till now, but it is not too late. This meeting is far the very purpose of "formulating" the Scheme. The Draft Scheme was published on March 30, 1893; it is still entirely in draft—it fact so much as that I do not think I ever read it until to-day. I shall now be glad to hear evidence on the matter, and I think we should first hear Lord Antrim, and I suppose Mr. Harrison represents him.

2483. Mr. Harrison, A.L. (instructed by Messrs. Cranmer and Green).—Yes. The ground in the deed of 1820 is described as 6½ perches, plantation measure, with a frontage of 58 feet, and a depth of 51 feet at its deepest side. That is a small portion of the ground

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now used for the various schools. The deed was made in pursuance of the Act 30 Geo. III., cap. 53, and to be valid it required the signature of the bishop of the diocese. The bishop did not sign. It might be asked was the deed merely to exist during the time the Rev. Mr. Wolsley was in the parish.

2454. Lord Justice Frougison.—When did he come to be rector?

Mr. Harrison.—In April, 1831. The trustees were Edmund M'Donnell; Anne Catherine, Countess of Antrim, his wife; Thomas Davison, agent for the Antrim estate; George Hallinan, also connected with the estate management; and Stewart Dunn. The reason he appears to have been a trustee is that he was the owner of adjoining land. It will thus be seen that from the day the deed was executed the Antrim family represented four out of the five trustees.

2455. Dr. Traill.—Can you prove that Stewart Dunn was a Presbyterian?

Mr. Field, M.A. (who, instructed by Messrs. O'Farrell and M'Donald, represented the Presbyterians).—I can prove that.

Mr. Harrison.—A scheme for carrying out a trust should not be settled upon a deed that never had legal operation. Lord Antrim's objection states that the deed "was not acted upon nor was any residence built upon the said plot of ground." One of the trusts was to provide a residence for the schoolmaster. Although this Draft Scheme states that a residence was afterwards erected, no residence was ever erected, and the oldest resident does not remember the building in any other condition than it is now.

2456. Dr. Traill.—The original deed describes it as a residence for the schoolmaster.

Mr. Harrison.—There never was anything erected but a portion of the building now used as schools, and for that building there was a grant of £175 from the Lord Lieutenant's fund and a sum of £175 from some other source. There is no evidence that that money came from the Rev. William Wolsley himself. It appears to have been subscribed in and about Glenarm. You cannot now separate what represents public money and what represents private subscriptions.

2457. Lord Justice Frougison.—Here is the recital in the deed:—

"The Lord Lieutenant of Ireland hath, in order to promote the establishment of said school, directed that a sum of £175 should be paid to the said William Wolsley, out of the fund granted by Parliament in the 5th year of his present Majesty's reign, in aid of schools established by voluntary subscription in Ireland—aid sum of £175, together with another sum of £175, to be advanced by the said William Wolsley of his own money, and money to be subscribed by other persons, to be laid out and expended in and upon the erection of a schoolhouse on said lands in the parish of Tinniscriven."

Dr. Traill.—That implies that all the money was to come through Mr. Wolsley; it was to be advanced by William Wolsley—both his own money and the money from other persons. The words of the deed imply that he was to collect all the money.

2458. Lord Justice Frougison.—It was the natural course for the clergymen of the parish to take.

Mr. Harrison.—But the Lord Lieutenant's grant was only given in aid of voluntary subscriptions. Mr. Wolsley was not to give all the money out of his own pocket. The first application that was made to have the schools in connection with the National Board was in 1845. Up to that year these schools must have been kept up on contributions from the Antrim family or people in Glenarm. From 1845 down whatever possession there was was entirely exercised by the Antrim family, and every penny of money spent on the schools since that date was spent by them.

Application was made to the National Board for aid in 1845, and various queries were sent down regarding the schools, which had to be answered. The first question was "The name of the school," and the reply was "The Glenarm Male and Female National

School." In reply to the question "Description and condition of the house" it was stated "A very fine, highly furnished, good slated house, in excellent repair." The situation is immediately outside Glenarm Castle—the gateway into Glenarm Castle—built in 1835—is the nearest building. We cannot get evidence as to who built the schools, but it is evident that they were never built for £500. They were built in the same style and at the same time as the entrance to the Castle, and it is reasonable to suppose that the then Lord Antrim had a good deal to say to the building of them. Then there is the query—"Number of school rooms and dimensions of each?" The reply is—"Two spacious rooms, the boys' room being 33 feet by 15 feet inside; the girls' room being 31 feet by 15 feet inside; about 18 feet height. Male schoolroom—15 feet wide, 17 feet height; 32 feet length." Then there was the following query:—"The management of the school; if under an individual, his name and address; if under a committee, by whom elected?" The following is the reply:—"The management of the Female school under the Patron, Edmund M'Donnell, Esq., and Lady Louisa Kerr." As to the Male school the answer is:—"Under the management of Edmund M'Donnell, Esq., of Glenarm Castle, the patron." "Edmund M'Donnell, Esq., Glenarm Castle," was the reply to the query "Name and address of correspondent" regarding both the Male and Female School. Then the question was asked whether the school had been in connection with, or derived aid from any other society, and the reply was that it had not. "State whether the schoolhouse is attached to or erected upon Church, Chapel, or Meeting-house ground?"—No." It was then asked—"From what funds was it erected?"—By patron. Who pays the rent of it?—None. Is the schoolhouse used by lease or otherwise for the purpose of education?—No. What is the number of rooms used as schoolrooms?—Two. Is any portion of the house occupied by the teacher as a residence, and if so does any inconvenience arise therefore?—No. If there are any other apartments state their uses?—None. What is the annual amount of local funds towards payment of the teacher's salary and repairs of the schoolhouse?" The reply regarding the Female school was:—"The patron grants the salaries £15 annually, and himself keeps house in repair"; and as to the Male school "£35 granted annually by patron to the teacher exclusive of school fees." "Is the school under the direction of a committee, and by whom chosen?"—No; and then came the last of the queries:—"Since any other circumstances connected with this application you may consider material for the information of the Commissioners, and the grounds upon which you recommend it to be entertained or otherwise." With reference to the Female School the reply was:—"It has everything to recommend it to the favourable consideration of the Board." Regarding the Male School it was stated:—"It possesses every possible claim to favourable consideration of the Board; the house is an excellent one and admirably fitted up; the master competently qualified, and every prospect of a large attendance of scholars." These replies were considered favourable, and the school received aid from the National Board from that time on. Edmund M'Donnell was the original patron and correspondent. In March, 1848, the Rev. G. Evans was recognised as correspondent pro tem. He resigned in September, 1851; Mr. Edmund M'Donnell died in 1852—Oct. 11, 1852. The Earl of Antrim was registered as patron, and the Rev. Mr. Courtney as correspondent. That remained from 1852, until March, 1859, when Lord Antrim was recognised as sole correspondent. In January, 1870, his Widow, the Countess of Antrim, became manager, and in May, 1875, the present Lord Antrim was appointed manager. Since 1845 the school has been under the National Board, and whatever payment in addition it has received, have been made entirely by Lord

Antrim or his predecessors, the repairs also have been done by him; in fact everything has been done by him as if it were his own. The deed describes the plot of ground as part of the Glebe lands "containing in the whole five and a half square perches Flax-tent measures or thereabouts, &c., bounded on the north by the street leading from the Castle; on the south by gardens on the rear of Chandler's-row; on the east by the lane leading to Chandler's-row; and on the west by the tenements in the possession of Edward McDonnell, Esq." There was a piece of burying ground not included. I produce a tracing.

2459. Lord Justice FRIZGUNSON.—That would correspond with what we saw this morning, what is called a burying ground looks like the walls of a small church.

2460. Dr. TRAILL.—One of the questions asked was whether the schoolhouse was attached to or erected upon church, chapel, or meetinghouse ground, and I think the answer was "No."

Mr. Harrison.—It was.

2461. Dr. TRAILL.—It would seem that that was part of the church at that time.

Mr. Harrison.—The burying-ground is not included in the deed, but it fixes the locality.

2462. Dr. TRAILL.—Is there any other glebe land adjoining?

Mr. Harrison.—No.

2463. Lord Justice FRIZGUNSON.—It would appear certain that the plot was ecclesiastical property connected with the old church, and that the site of the church was retained because it was used as a burying ground. It seems probable that this was some outlying plot of glebe land that was given for the school, and that Edward McDonnell threw in the adjoining land which was now used as the play ground.

Mr. Harrison.—That play ground only came in quite recently. That was Stewart Dunn's property: it is all an open space now. The map shows the exact ground of the schools and also the burying ground. The site now occupied by the school buildings is about three times what it was originally.

Council referred to the map.

2464. Lord Justice FRIZGUNSON.—The present infant school seems to have been built at a different time, and not to be included in the deed at all.

Mr. Harrison.—I think the infant school was built in 1858.

2465. Lord Justice FRIZGUNSON.—It would appear certain that about 1858, the date of the deed, the whole of the male and female school buildings were put up together, and that the separate infant school is of much later date.

Mr. Harrison.—The infant school has nothing to do with the other. It is not proposed to be included by this scheme. It was built in 1858, and it is a ground not included in this deed. If you stick to the strict limits of the deed, you have the boys' school, half the girls' school, and half the boys' yard. How will the Glenarm people be benefited by passing the proposed Scheme? That would not work so well as having the three schools—boys' school, girls' school, and infant school all together. They have worked under one control perfectly well up to the present, and would you amend masters by cutting the ground in two, leaving the infant school as it was and making no other changes I have mentioned.

2466. Lord Justice FRIZGUNSON.—What is the title to the infant school.

Mr. Harrison.—The same title as Lord Antrim's own demesne.

2467. Dr. TRAILL.—Is it under the National Board?

Mr. Harrison.—It is; a non-vested school.

2468. Lord Justice FRIZGUNSON.—Was that attached to the National Board at the same time as the other?

Mr. Harrison.—No; it was not built until 1868, and the other schools were put under the National Board in 1845.

2469. Lord Justice FRIZGUNSON.—We have got a report from the National Board stating the same

information which you have given us from the primary applications for aid. The schools were taken into connection with the Board in 1845, the girls' school on May 1, and the boys' on October 1. Did I understand you, Mr. Harrison, to say that what you read were the answers given by Mr. McDonnell?

Mr. Harrison.—No; they were the inspector's answers.

Lord Justice FRIZGUNSON.—He seems to have answered without making inquiries. The Commissioners report also says that in March, 1849, the Earl of Antrim was recognized as sole correspondent; in January, 1870, the Countess of Antrim was recognized as manager in succession to the Earl of Antrim, deceased, and in May, 1875, the present Earl of Antrim was appointed manager upon the nomination of his mother, resigned; that the same patron and correspondent had always acted for both schools; that the schools being non-vested, the Commissioners had no interest in the premises, and that accordingly the records do not show particulars as to ownership, tenure, &c. That corresponds, Mr. Harrison, with your statement.

Mr. Harrison.—No doubt; we get the same statement from the National Board. With regard to the two gardens which Lord Antrim has allowed to be used as playgrounds, that is entirely owing to his own good nature, and his interest in the schools. If they had not those playgrounds they have no place but two little yards behind the schools. If any scheme at all is passed, and the schools are taken out of Lord Antrim's hands, and deprived of his aid, what good will it do? The boys and girls instead of being benefited would lose the use of the playgrounds, and it would take away part of the school. Lord Antrim would be proprietor of the infant school, but would have no interest in either of the other two schools, and could not be expected to contribute to them. There is no desire for such a scheme on the part of the Church people of Glenarm. I observe from the proposed scheme that the Church of Glenarm is to provide £10 a year towards keeping up the school, should the Scheme be passed. I do not think Glenarm is a parish likely to be able to spare that amount. The schools have been managed in the past in a way to please everybody, and they are now in an efficient state. Where is the money to come from to keep them in such order if the scheme be adopted? With regard to the religion of the children attending, for a considerable period past, those belonging to the Church of Ireland have been in a considerable minority. The percentage at present is 40 per cent. Church of Ireland, and 60 per cent. Presbyterian.

2470. Monsignor MOLLOY.—What are the numbers?

Mr. Harrison.—In 1858 there were 24 Presbyterians, 10 Church of Ireland, and 5 Unitarians in the boys' school, making a total of 49. In the girls' school there were 39 Presbyterians, and 13 Church of Ireland.

2471. Monsignor MOLLOY.—There seems to be a larger proportion of the girls Presbyterians than of the boys.

Mr. Harrison.—There is a Roman Catholic school a short distance off.

2472. Lord Justice FRIZGUNSON.—The population stated in the Census is as follows:—Roman Catholics, 1724; Church of Ireland, 529; Presbyterians, 1425; Methodists, 13, and "all others," 246. "All others" include the Unitarians in some places; sometimes they get in amongst the Presbyterians. Apparently the Roman Catholics are about two-fifths of the population.

Mr. Harrison.—In 1858 there were 30 Presbyterians boys and 15 boys of the Church of Ireland, and the girls always seem to have been from 2 to 3 Presbyterians to 1 Church of Ireland. In 1878 there were 19 Presbyterian boys and 9 Church of Ireland boys; in 1871 20 Presbyterian boys and 11 Church of Ireland. During what period we could find out any

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particulars, the Master, and the teachers also in the Girls' School, have been appointed by Lord Antrim, or by Lady Antrim before him. The National Board in a number of cases have no information as to their religion, but they give the instances in which it was known.

2473. Dr. TRAHL.—Their denomination must have been known in the books of the National Board.

Mr. Harrison.—They say not. Out of 18 Masters they can only give the religion of 16, and of these 9 belonged to the Church of Ireland and 8 were Presbyterian. I ask you on the part of Lord Antrim to frame no scheme at all.

2474. Lord Justice FRASERSON.—It is quite clear to me that the property included in the deed of 1820 was at that time an educational endowment. I do not think there is anything in the point about the Bishop not executing the Deed, because anybody who had possession under the Deed would be bound by its trusts, whether it was executed by the Bishop or not. Edward M'Donnell who was an executing party to the Deed was the person who put the school under the National Board. The only time that Judge O'Brien and I had the case before us at all was in Belfast in October, 1851. We then said, and I repeat now, that we had not, and we have not, the slightest intention of interfering with the working of the school—Mr. Dudley-Jones said he did not want that. We said to him, and to Lord Antrim's agent—

"We will have the Deed examined and send you a copy with the map so that you may try to identify the premises, and we shall be glad to hear from both of you on the matter. In similar cases we have considered whether we could not form a Governing Body to hold the property upon trust. We could not put this or any other school into the schedule of the Discussed Scheme, without the consent of the persons entitled to it."

If the Patron appointed no Manager, he would have the appointments entirely in his own hands, and from 1848 to 1851 the Rev. Mr. Levers was correspondent but does not appear to have been Manager. Mr. M'Donnell was the original patron down to 1848, he had the exclusive right of appointing the masters. The Rev. G. Levers was thus recognized as correspondent *pro tempore*. He resigned in September, 1851, and from October, 1851, Lord Antrim was regis-

tered as Patron, the Rev. Mr. Cavanagh as correspondent. I do not see that the Manager was ever a clergyman.

Mr. Harrison.—Never at any time. The clergyman never interfered at any time in appointing masters, but perhaps Mr. Dudley-Jones can tell us something on this matter. When the schools were put under the National Board, they sent down an Inspector, and his inquiries on the spot are quite inconsistent with the deed being then acted upon. The last trustee is gone since 1852, and since then the property has been managed as satisfactorily as before.

2475. Lord Justice FRASERSON.—In the original deed the premises are described as—

"For the use of a resident school-master to be hereafter appointed by the said Edmund M'Donnell, Anne Catherine Countess of Antrim, Thomas Duvall, George Halloran, Stewart Dunn, and the survivor of them, and his heirs, conjointly with the minister."

There was no doubt that the rector was to have a voice in the master.

"The master and masters of said school for the time being shall be appointed by the said Edmund M'Donnell, Anne Catherine Countess of Antrim, Thomas Duvall, George Halloran, Stewart Dunn, and the survivor of them, and his or her heirs conjointly with the minister of the said Parish of Tullymacrossan and his successors, and shall be removed and removable from time to time and at all times."

By the same people conjointly with the minister of the parish. It is also stated—

"That such schoolmaster for the time being shall teach and instruct all such children as shall be admitted to him for that purpose by the written direction and permission of the persons named, conjointly with the minister of the parish."

Mr. Harrison.—Stewart Dunn, who was one of the Trustees, was the owner of the field now used in connection with the schools. Afterwards that ground passed into the hands of Lord Antrim, and he now holds it under Stewart Dunn's representative for lives renewable for ever. Apparently there were houses upon it, but they have been swept away. I now call Mr. Alexander M'Donald, agent for Lord Antrim, for examination.

#### Alexander M'Donald, J.R., sworn and examined.

Alexander M'Donald, J.R. 2476. Mr. Harrison.—You are agent to Lord Antrim?—Yes, since 1855.

2477. You know these schools?—Very well, indeed.

2478. During these years who kept up the boys' school and girls' school?—Lord Antrim.

2479. Has he done everything?—Everything.

2480. Do you keep an account of the repairs?—Only partly. He gave for a great many years £15 to the boys' school and £10 to the girls' school.

2481. In addition to the repairs?—Yes, and he provided the schools with requisites and coal.

2482. Is there any other money, except the grant from the National Board, for these schools?—None.

2483. From an examination of the books in the office, does that appear to have gone on in the same way before you became agent?—Yes, certainly. As far back as I have the books; I have had them traced back for the last forty years.

2484. Can you give the Commissioners an idea of the money spent upon these schools?—About £1,200, including coal and wages, masonry and carpentry. The cash payments alone amount to nearly £1,100, not including the rents of the playgrounds.

2485. You know nothing about the old deed until lately?—No; I could not believe there was such a thing.

2486. You had no doubt the schools were Lord Antrim's alone?—None.

2487. Lord Antrim is under rent for the playgrounds?—Yes, a very heavy rent, to Stewart Dunn's representative. There are two playgrounds held under Stewart Dunn.

2488. Is the infant school part of Lord Antrim's property?—It is.

2489. Lord Justice FRASERSON.—Both? The rents of the playgrounds amount to about £50 a year for these playgrounds, besides the £1,200. Lord Antrim kept them perfectly as gardens in connection with the castle.

2490. Have you any account of the expenditure in the infant school?—The infant school was built about 1858, and the expenses since then have been £150. I calculate that it cost £200, and I am certain that it was built by Lord Antrim himself.

2491. What is his title to it?—The title to his own estate.

2492. Mr. Harrison.—The site of the infant school is on Stewart Dunn's property?

Witness.—No; it is on the Antrim estate.

2493. Of those playgrounds or gardens, one is for the girls' and infants?—Yes, and the other for the boys.

2494. The boys' school and girls' school are built in the same style as the Bectivean?—Yes.

2495. Can you tell when the Bectivean was built?—In 1829.

Examined by Mr. TOWN.

2504. For the time you have known these schools what have they been named?—The Glenarm Male and Female National Schools.

2507. Did you ever hear them called the Glenarm Parochial Schools?—Never.

2508. As to religious instruction?—The teacher gives religious instruction between 2.30 and 3 o'clock daily.

2509. Dr. TRAILL.—Does the rector of the parish give any instruction in the school?

*Witness.*—The rector of the parish and the Presbyterian clergyman never do. For two years the school was under the Diocesan Board of Religious Education, and the rector for those two years went in and gave religious instruction; the Presbyterian

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minister objected to the children being taught the Church catechism, and it was discontinued.

2510. Does the teacher take his instruction from any clergyman?—No.

2511. Mr. Todd.—Who was Stewart Dunn?

*Witness.*—Stewart Dunn was a merchant from Carrickfergus.

2512. Lord Justice FIRZGIBSON.—Was it from Stewart Dunn that Lord Antrim got the property adjoining these schools?

*Witness.*—From Stewart Dunn himself.

2513. Dr. TOWN.—Was he a Presbyterian or a Churchman?

*Witness.*—To the best of my belief he was a Presbyterian, but I do not know.

2504. Mr. Todd, Q.M. (instructed by Messrs. *Sheriff and McDonald*).—I appear for the Presbyterian Congregation of Glenarm who constitute over two-thirds of the population of the neighbourhood. The objection which they lodged has been already referred to. My duty is to press on the Commissioners that if any change is made regarding the schools, the Presbyterians should have representation in proportion to the number of Presbyterians attending the school, and in the population. The Presbyterians of Glenarm have no desire that any change should be made in the Governing Body of the schools. They are perfectly satisfied with the schools as managed by Lord Antrim, and feel that no change would be a benefit to the children or the neighbourhood. They believe that the management in the past would be equally good for the future. If the schools are taken out of the hands of Lord Antrim we will lose the benefit of £30 or £40 a year. Lord Antrim has been most generous, and if the management be taken from him and given to Mr. Dudley-Jones, his lordship cannot be expected to go on giving the same money to them. We, as Presbyterians, do not see why the schools should be taken from him. It is a one-man policy, and as man but Mr. Dudley-Jones wants a change at all. If a change is made, the schools will be split up; only part can be dealt with. If this Scheme is adopted you will cut the schools in two, and have one part belonging to Lord Antrim which the Commissioners cannot touch, under the control of his lordship, and the other part under the control of his body constituted by the Commissioners. That would be a most undesirable state of things. Having a Scheme should be formed, it should carry out the spirit of the founder. I can imagine no Scheme less in accordance with the spirit of the founder than this Draft Scheme, whoever may be responsible for it. The spirit of the founder was that the Scheme should be entirely non-denominational. Of the trustees one was a Presbyterian; there was no intention that the school was to be denominational. There was no mention, whatever, of religion in the deed. The school was intended to be entirely世俗的. No provision is made for religious instruction. Let the Draft Scheme hand the school over to one church, the Church of Ireland, and gives the members of that Church entire control of the religious instruction.

2505. Dr. TRAILL.—I would like to call your attention to the fact that the children who went to the school were to be selected by the trustees, and the Minister was to have an equal voice in the election of the children and of the Master for the time being. He might select whomever he should think fit.

Lord Justice FIRZGIBSON.—I had better read the clause on that point, for it is very important. The trustees were to hold all the premises for ever.

\* In trust for the use of a resident schoolmaster, to be

hereafter appointed by the said Edmund McDowell, Anne Catherine, Countess of Antrim, Thos. Davison, George Halloran, and Stewart Dunn, and the survivor of them, and his or her heirs, conjointly with the minister of the said parish of Tinternacreeve and his successors, and two and no other use, intent or purpose whatsoever."

The minister was one of six people concerned in the appointment.

Dr. TRAILL.—Oh no, he was not against six.

2506. Lord Justice FIRZGIBSON.—That is not my construction; he was one of six who were to act "conjointly."

The deed goes on to say—

"That the master of said school for the time being shall be not only appointed by the said Edmund McDowell, Anne Catherine, Countess of Antrim, Thos. Davison, George Halloran, Stewart Dunn, and the survivor of them, and his or her heirs, conjointly with the minister of the said parish of Tinternacreeve and his successors, but shall be removed and removable from time to time, and at all the times of writing order the bands of the said Edmund McDowell, Anne Catherine, Countess of Antrim, Thos. Davison, George Halloran, and Stewart Dunn, and the survivor of them, and his or her heirs, and the survivors of them, conjointly with the minister of the said parish of Tinternacreeve and his successors, and at his and their sole will and pleasure, and that such schoolmaster for the time being shall teach and instruct all such children as shall be named to him for that purpose by the written direction and permission of the said Edmund McDowell, &c."

and then it says in the margin—

"See last page, viz., Anne Catherine, Countess of Antrim, Thomas Davison, George Halloran, and Stewart Dunn, and the survivor of them, and his or her heirs, conjointly with the minister of the said Parish of Tinternacreeve and his successors, and such others as the master for the time being shall think fit, in the principles and practice of reading and writing the English language, and of arithmetic."

It also says that the school was to be conducted—

"According to such plan of education and under and subject to such regulations as shall from time to time be in writing ordered by the said Edmund McDowell, &c."

and in the margin of one copy we have the word "ditto" referring to the name, conjointly with the minister of the parish and his successors. It also provides that—

"No person shall be permitted at any time to take possession of the house and residence to be built on said lands, or of said lands, or any part thereof, who shall not have first signed and delivered unto the said William Wolsey or his successors, an agreement on the part of such master to quit and yield up possession of said house with the appurtenances, and the said lands and premises, forthwith, on the written request of the said William Wolsey or his successors without other notice, and the said William Wolsey compensated for quiet enjoyment by the trustees."

Mr. Todd.—The minister was to have no greater voice than any of the rest.

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Alexander  
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2507. Dr. TRAILL.—He had the vote on one side and they had the vote on the other; he had an absolute veto against the others. I speak subject to the correction of the Lord Justice.

2508. Lord Justice Finsen.—I think he only counted in us one acting conjointly along with the five others.

Mr. Todd.—The deed shows that the school was not to be denominational, and that the rights of every denomination should be attended to as well as those of the Church of Ireland. It would be a difficult thing to provide any scheme, certainly for some time to come, in which all parties would be able to work amicably together. I do not want to say anything against the Rev. Mr. Dudley-Jones. He undoubtedly has a very high idea of his own legal rights, and is willing at all times to exercise them. How this scheme came from the Commissioners I do not know. If a scheme were drafted for Presbyterians and Episcopalian alike on a joint board I do not think it could be worked in an amicable manner for some time to

come. The Presbyterians have been quite satisfied with the schools and they want no change, but in case of change they ask for a fair representation on the Governing Body. They do not want to be shut out as they are by this scheme. The only result of such a scheme as the one now proposed would be that Lord Antrim's school would stand apart, and that the Presbyterians would undoubtedly leave and build schools of their own; they could not be under such a scheme as this. Half the schools would then belong to Lord Antrim, the other half to the Church of Ireland, and the Presbyterians would build schools for themselves. The result would be that the schools would be simply ruined. I ask the Commissioners to say that they see no necessity for a scheme; that they could not draft a scheme without doing harm to the schools. I will now call a gentleman who knew Mr. Stewart Dunn, and I will then call the Presbyterian minister of the town, who will tell you that the desire of the Presbyterians is that things should remain as at present.

#### Jones Legge (Carrickfergus), sworn and examined.

Jones Legge

2509. Mr. Todd.—You at present reside in Carrickfergus?—Yes.

2510. Do you remember Stewart Dunn?—Quite well.

2511. Where did he live?—He lived at a place called the Farm Hill, near the town of Carrickfergus.

2512. Can you tell the Commissioners what his religion was?—Stewart Dunn was original trustee of the Remonstrant Presbyterian Meeting house here in 1835 or 1836. In 1857 a fee-farm grant was taken for the Remonstrant Meeting house of Tompaharick, and he and I were named as trustees in the fee-farm grant of that Meeting-house, and he worshipped in that house all the time he lived at Farm Hill.

2513. Dr. TRAILL.—What year did he go from this to Carrickfergus?

Witness.—I cannot tell.

2514. Lord Justice Finsen.—What was his position in life?

Witness.—He was a gentleman of considerable property in the county of the town of Carrickfergus, and had large bleach-works.

2515. Dr. TRAILL.—What was the date of the Remonstrants going out from the other Presbyterian Rev. Dr. WILLSON.—In 1827.

Mr. Todd.—On this point we have two affidavits if necessary.

#### Rev. C. M. Coedden sworn and examined.

Rev. C. M.  
Coedden

2516. Mr. Todd.—You are the Presbyterian minister of Glenarm?—Yes, for more than twelve years.

2517. You have been acquainted with the management of this school during that time?—Yes; I have visited them regularly.

2518. Who has managed them during that time?—Lord Antrim has been patron, and Mr. McDonald, his agent, has been manager.

2519. You have a large Presbyterian community here?—Yes.

2520. They attended these schools in large numbers?—Yes.

2521. Are you perfectly satisfied with the manner in which the schools have been managed?—Yes.

2522. Do you know any Presbyterians who want my change?—I do not.

2523. If a scheme is drafted you would like a fair representation on the Board?—Certainly.

2524. But you would prefer no change from the present management?—I do not think any Board could manage the schools better than Lord Antrim.

2525. You know Lord Antrim has spent a considerable amount of money on the schools?—I do.

2526. Do you see any way of supplying that if Lord Antrim's management is done away with?—I do not; if we build schools we will have to support them.

2527. Is religious instruction given in these schools?—The teachers give religious instruction.

2528. What denomination are the teachers?—They are both Presbyterians at the present time. I may be allowed to say that that is so by accident—by the marriage of the male teacher, who was a Presbyterian, to the schoolmistress, who had been previously an Episcopalian.

2529. Lord Justice Finsen.—Have any vacancies occurred amongst the teachers in your time?

Witness.—Yes.

2530. Have you been consulted with reference to the appointment?—Mr. McDonald did speak to me, but not until the appointment was made.

2531. Was the appointment entirely made through Lord Antrim?—Yes.

2532. Dr. TRAILL.—Suppose Lord Antrim withdrew his subscription, could this school be worked by a Board of Episcopalian and Presbyterians?

Witness.—If we had representation according to our numbers.

2533. I understand you to say that the money consideration was an important one?—It is.

2534. But if Lord Antrim withdrew his subscription, would you be willing to work with the rest as a joint Board?—We should have a fair proportion of representation on that joint Board. I understand Mr. Dudley-Jones has not been inside those schools for years, and I don't see how we could work together very satisfactorily.

2535. But if Lord Antrim gave up his subscription, could you work with a mixed Board supposing Mr. Dudley-Jones were on it?—I would not like to give an opinion.

2536. Monsignor MORRISON.—Even if you get a Board with the majority Presbyterians you would prefer that the schools should remain as they are?

Witness.—Yes.

2537. Rev. Dr. WILSON.—And you are satisfied with Lord Antrim, independent of the money?

Witness.—We are quite satisfied with Lord Antrim's management.

2538. Dr. TRAILL.—Would you be satisfied with the management of the schools by Lord Antrim in case he withdrew his subscription?—Yes, I think he has managed them very well, and I don't think he is likely to withdraw it.

343. But if he withdrew his subscription?—The subscription is an important matter in the management of the schools.

344. Monsignor Molloy.—He gives not only subscriptions, but he also gives you two fields.

Please.—Yes, and he also keeps the schools in order.

Mr. Morrison.—He was on the point of repaying them when this scheme was brought forward.

345. Rev. S. F. Dudley-Jones (To witness).—You and your colleagues possibly act on a joint Board with me? (Witness).—I did not, but I would prefer not.

*Mr. Hunter, Petty Sessions Clerk, sworn and examined.*

346. Mr. Todd.—You are Clerk of Petty Sessions and Postmaster in Glenarm?—Yes.

346. You know these schools?—I do.

347. I believe you attended them at one time yourself?—Yes.

348. Who managed the schools all the time you have known them?—The Asturin family.

349. Can you tell us the religious instruction given?—When I went to the schools all read out of

2542. Mr. Dudley-Jones.—Have I ever been guilty of any intolerance towards your congregation? Dw 1, 1812.

Mr. Todd.—I think this is hardly fair.

3443. Mr. Dudley-Jones.—Did you not write me thanking me for being loyal to you, even against a member of your own congregation?

(Witness).—I did some years ago.

Mr. Dudley-Jones.—It was only a few months ago.

3444. Lord Justice Fitzgerald.—He did not say that he could not act with you; he said he would prefer not. He seems to prefer to act with Lord Askrum.

Rev. G. M.  
Cowles

the scriptural lessons; then after half-past two o'clock Mr. Hunter, when the Roman Catholic boys went away the Protestant boys read out of the Bible. But in my time there there was no denominational education. There was no catechism taught in my time. Since this Scheme was drafted there has not been so much going back and forward. It has more or less destroyed the friendliness.

*Rev. S. F. Dudley-Jones.*

350. I will deal with the Presbyterian objection first. I never spent a penny in my life for litigation except in defence of my church rights. I do not understand the fear with which my Presbyterian friends regard the word "Parochial." It is odd the word "Parochial" never was attached to the name of the school, either officially or locally until it was attached in the Scheme. That the school was called "Parochial" is evident from an entry in the parish records where we are told that "Charles James Lee, Schoolmaster and Parish Clerk, was elected to the situation of Parochial Schoolmaster and Parish Clerk" on September 10, 1823. I do not attach any great importance to the word, and would be glad if a less offensive could be substituted. The School is built on glebe lands. The Presbyterians raise an objection on the point that there was no residence but, but they have overlooked the fact that the words "residence" and "schoolhouse" are interchangeable terms and are so used in the deed of 1823, which in no clause says the teacher "shall reside in said schoolhouse."

351. Lord Justice Fitzgerald.—There is nothing about that. The place was given in trust for a school, we have never got the original deed; where is it?

Mr. Dudley-Jones.—It is in the Record Office in Dublin. The Presbyterians object to the governing body as constituted in the Draft Scheme, first on the ground that they are all members of the one Church, and this they contend would make the school denominational, contrary to the intentions of the founder. All I desire is to have the intentions of the founder carried out. I do not want to seek anything for myself that I am not entitled to. This school has certainly been undenominational, and I do not think the Draft Scheme makes it any less so; but it has always been under Church control. Every one of those original trustees were Churchmen. I will prove that Stewart Dunn was a Churchman. The congregation which the Rev. Mr. Cowles represents had no existence until 1829, and the school was formed in 1823. Two years before that Stewart Dunn was elected Churchwarden, and he also became proprietor of a pew in the Church. I have a statutory declaration from two people in Carrickfergus who knew him, both declaring that he was a regular worshipper in the Church when there. His wife was a Unitarian, and that accounts for his worshipping at times in the Unitarian Church. When he died in 1844, his remains were interred in Glenarm, and he was buried by my predecessor with the Church service. I have a notice of his birth, Mr. Jollie, who will tell you that he was undoubtedly a member of the Church of

England. The baptism of Thomas Davison's children and his death are entered in the Church book.

352. Mr. Todd.—At his death he was a Churchman, but previous to that he was a Presbyterian.

Dr. Trahan.—There is no proof in the world that he was a Presbyterian.

353. Mr. Dudley-Jones.—I have a copy of the "Solicitor's Abstract" with respect to the deed of 1823, and the grantees are described as "Churchwardens and others," which shows they had some connexion with the Church. There is no proof that the persons who subscribed to the £175 raised by Mr. Waldegrave included members of all denominations. The Presbyterians next object to the governing body on the ground that they have power, subject to certain conditions, to make provision for the religious instruction of the children attending the schools "as they think fit." And so dangerous do they deem this power that it places a necessity on them of building other schools—"schools for ourselves"—they say. In other words, they fear intolerance. If this apprehension was justified by the Scheme it would demand the most serious attention. My Presbyterian friends would have all my sympathy and all the aid I could give in resisting it. Such a blot would I consider it that I do not think I could accept any office under it. But is not the apprehension imaginary, and is it not carefully guarded against by the very conditions of the Scheme which my friends have not quoted? I mean sec. 12—

"The Governors may, from time to time, make such provision for the religious instruction of children attending the school as they shall think fit; provided that if and so long as the school shall be in connexion with the Commissioners of National Education, such instruction shall be given in accordance with the rules and regulations of the said Commissioners in force for the time being, and that no pupil attending the school shall at any time be compelled or permitted to receive or to be present at any religious instruction to which his or her parents or guardians object, and the arrangements for giving religious instruction shall be so made that no pupil attending for secular instruction only shall be excluded, directly or indirectly, from any of the advantages of the secular education given in the school."

I think the rights of conscience and the inalienable right of a parent to decide the religious teaching his child shall receive are fully guarded by these words. Have the Presbyterians any better safeguard at the present moment? And what is the remedy suggested by the objection? They say they must have representation in proportion to the number of children attending the school. As they claim a majority of children this would mean a majority of governors. If

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Dr. S. E. 1894.

Rev. S. E.  
Dudley-Jones

then, form of intolerance are justified, this would be no remedy. It would only be the transfer of the power of intolerance from Episcopalian to Presbyterian shoulders, it would only bear a remedy on the assumption that Churchman proposed a monopoly of that hateful thing, and that Presbyterians were pure from the taint. I have no fear of intolerance from the Presbyterians, and I am willing to work with them in the future, as I have done in the past. I have not tested the accuracy of the percentage of Presbyterian children attending the school. I know that in February, 1891, it was only 54.7. But apart from this I protest against the monstrous principle that mere attendance gives a vested interest in a school built by others, and also a claim to representation in proportion to mere numbers. Suppose this Commission were sitting in 1858 instead of now, in that year the numbers are given thus, Roman Catholics, 72; Established Church, 66; Presbyterians 80. According to the principle laid down here the Roman Catholics would be entitled to a majority of Governors because they have the highest numbers; the Church would come next, and the Presbyterians, being lowest in numbers, would be at the foot of the three. The Roman Catholics have built splendid schools for themselves, but they might some back again and head the roll. There is nothing to hinder them for it is a National School, and they might go before the Privy Council, and, adopting the principle here laid down by the Presbyterians, claim representation in proportion to their numbers, and thus the schools would come under their control. I know they would soon to do such a thing, and so should my Presbyterian friends. I notice a strange inconsistency where it is stated that "the Draft Scheme hands over to the Church of Ireland's school which was never previously under its control." On the contrary from its foundation down to the present hour it has never been under any other control. Lord Antrim's family have been generous to all denominations, but the generosity of the Earl of Antrim, who is a Churchman, cannot be pleaded to advance a Presbyterian claim.

2534. Monsignor MONKTON.—Are you content with Lord Antrim's management?

Mr. Dudley-Jones.—No; I am not in one way, I will explain. I have nothing in the world to say against Lord Antrim. This school has been under Church control—the control of Lord Antrim and his family. Lord Antrim has been a Churchman all his life, but I think it very natural for Mr. Cowden to wish to have a school of his own, and I entirely sympathise with him in that desire, and also think a second school would be most useful.

2535. Lord Justice FIRTHGROSE.—Could you sustain another school in Glenarm?

Mr. Dudley-Jones.—When compulsory education will come, as it must come, we will have two schools.

2536. Lord Justice FIRTHGROSE.—What distance are the Roman Catholic schools away?

Mr. Dudley-Jones.—Three hundred yards off. The nearest Protestant school is at Carnlough, about three miles off.

2537. Lord Justice FIRTHGROSE.—The figures go to show that there is no population within reach of this school that would supply any substantially larger number than you have attending the school. We usually consider that the school-going children should be about one-fifth of the population.

Mr. Dudley-Jones.—But that is only an opinion. Monsignor MONKTON.—I hardly think the question is before us of the establishment of another school.

2538. Lord Justice FIRTHGROSE.—We want to see whether, as the school is now managed, there is any large proportion of the population not availing themselves of it.

Mr. Dudley-Jones.—Some of the children go to Carnlough, because they are not satisfied with it. I only mention that because Mr. Cowden has threatened to boycott this school if the Scheme is not altered to suit his desires. He says he cannot stand Episcopalian control, but has he forgotten that Lord Antrim and

his agent are both Episcopalians? There are seven schools under Lord Antrim's control, and every teacher in them is a Presbyterian. I have not one of my own descendants. For two years I had not a single Sunday School teacher, and had to teach myself, and I would also like somebody to sing in my choir. For three of those schools, which for sixty years have afforded education to the Presbyterian children in the parish, Mr. Cowden is indebted to an Episcopalian, the Rev. Wm. Wolsey, who founded not only the male and female school in Glenarm, but also Knockstocken School. Personally, I have always respected the feelings of the Presbyterian minister, and have frequently whipped back to their own camp those contumacious daemons, who by the bribe of the dispensary imagined I would help them to break the laws of their own Church and defy their ministers. For this, they have often thanked me and none more warmly than Mr. Cowden. A few months ago, Mr. Cowden wrote me one of the nicest letters I have received, and I was proud of it. It was stated that the Presbyterians objected to my teaching the Church Catechism to their children. I never did that. What happened regarding the Board of Religious Education was this—that Board passed a resolution that results fees should be offered to teachers for religious instruction, and offered not only to Church teachers but also to Presbyterians. I protested against that resolution and separated myself from my Bishop and also from the Board of which I was a member. I got a circular printed and circulated through the parish, and in it I said that the offering of results fees to Dissenters for giving religious instruction under the Diocesan Board appeared to me to be a direct tampering with their conscience; and I said it appeared to me hopeless to look for any blessing to our children from instruction so given. Religion is not a mechanical thing. It is true of the school as well as the parson, that the heart of the teacher must be convinced if he is to convince others. I was quite at one with the Education Committee of the general assembly, who passed strong resolutions against the action of the Diocesan Board of Religious Education. The reason I withdrew from giving religious instruction was a misunderstanding between Mr. McDonald and myself.

Mr. M'DONALD.—I was not aware of that.

2539. Mr. Dudley-Jones.—I now wish to speak about Lord Antrim, and I criticise his objection with the very greatest regret. For many years he was my kindest friend. The whole community are indebted to his family and the noble wife who preceded him for the manner in which they contributed in connection with the parish. I think his generosity should be recognised in the fullest manner, but I do not think he would accept any such recognition. I think I am not wrong in saying that his object is to prevent any Scheme being formed at all, and it is to that I object. The Antrim family have done nobly in education. I need not now refer to the invalidity of the deed because it is not signed by the Bishop. As to the title of the schools I do not care what the word "Parochial" is. I would be glad my title would be given to the schools that would be less offensive to the Presbyterians. I only wanted the name to preserve the old landmark, as it stands on the site of the church, and I found it entered in the Ordnance Office, Phoenix Park. It is not quite accurate to say that the schools have always been under the control of the Earl of Antrim and his predecessors, nor do I think Mr. M'Donnell can strictly be called one of his predecessors. This gentleman's name was Phelps. He became the second husband of Anne Catherine, Countess of Antrim in her own right, and widow of Sir Harry Vane. The marriage took place on May 3, 1817, and he took the family name of M'Donnell that same year. By deed of settlement, dated August 12, 1852, he got a life interest in the Glenarm estate. The Countess died in London, on June 30, 1854, and Mr. M'Donnell died

ived on May 30, 1832. They had no children. Mr. McDonnell held in fee the grounds adjoining the plots mentioned in the trust deed of 1825, and no additional land must have been his gift. There is a very old man who remembers Chandler's-row, and the houses were knocked down to make room for the schoolhouse. Great stress is laid in this objection on a statement that the schoolhouse is "actually partly built on ground provided by Lord Antrim or his predecessors." That ground was never part of the Antrim estate, but was held in fee by Mr. McDonnell, and by him conveyed to the trustees mentioned in the deed. There was great litigation between Mr. McDonnell and the Antrim family. He had acquired such property of his own, which was intermixed with the Antrim estate, and gave rise to this litigation. All claims were settled by a private Act of Parliament passed on August 31, 1848. He accepted a sum of £5,000, and at his decease in 1852 the property he had acquired merged in the Antrim estate. Any liability given by him to the school trustees in 1825 did not, of course, be included in this agreement, and Lord Antrim cannot claim credit for my lands so given. It is quite clear that the land was given by Mr. McDonnell for the school, that is all I have got to say about the plot of ground. I fully admit that Lord Antrim and his family have done their duty to the school, and every fair-minded man will agree that they have risen to the responsibility of their high position and property. I think they would have done the same had the patronage been in other hands than theirs. I believe they did all this from a sense of duty. It has been asked over and over again, what will become of the schools if Lord Antrim gives them up? All I can say is that if he does money is concerned, I am perfectly willing to be responsible for it all. If I were connected with the schools I would not be satisfied unless they would be in the highest state of efficiency. The Church laity are poor, but we are not such a wretched lot after all. I bought the Methodist Chapel and made it into a Parochial Hall. I spent £500 on it out of my own pocket and handed it over to the Church, and I don't think if this Scheme were passed that these schools would cease.

260. Lord Justice FitzGibbon.—Where is the Sunday School held?

Mr. Dudley-Jones.—In the Parochial Hall.

261. Lord Justice FitzGibbon.—Will ever held these schools?

Mr. Dudley-Jones.—Not for a great many years.

262. Monsignor Merton.—You are not dealing with technical difficulty. It has been brought before us that the school premises consist of the original foundation, and a great deal more which has been added and which cannot be dealt with, without Lord Antrim's consent. If we cannot get Lord Antrim's consent, would it be desirable, contrary to his lordship's desire, that we should deal with that portion of the premises that belong to the original foundation, and thus expose the school to the loss of the part acquired since, viz.:—the two playgrounds and the infant school. Should we act with the endowment at the risk of losing these two playgrounds and the infant school?

Mr. Dudley-Jones.—I never contemplated that

Lord Antrim would withdraw the use of the school and playgrounds. I do not think he would, and I don't think that Lord Antrim would have the least objection to these schools at all.

263. Monsignor Merton.—But have you read his objection?

Mr. Dudley-Jones.—Yes, but until I read that I never anticipated such a thing; I thought the matter would have been settled in a different way altogether. I think that the Church is entitled to some voice in the management of the schools.

264. Monsignor Merton.—Have you fully considered the risk of what you would lose, if the Scheme were drawn up and settled without Lord Antrim's consent? You would lose his subscription of £30 per annum; the two playgrounds for which he pays a rent of £20, and the infant school.

Mr. Dudley-Jones.—These schools won't become denominational. Lord Antrim acted for a long time as lay-reader in my Church—the nearest thing to Holy Orders. Crowded congregations filled the Church when his lordship first officiated as lay-reader. Great numbers of Presbyterians came, and though I remained at the time it proved most fortunate he went to reside in England, else I might have Presbyterians claiming to control my Church because of their majority. Lord Antrim says there is no necessity for a Scheme. I hold there is a necessity for a Scheme for the very safety of the school. In 1882 when Lord Antrim was suffering from the reduction of rents, he was going to close these schools and turn them into shops.

Mr. Harrison.—There is no foundation for that statement.

265. Mr. Dudley-Jones.—I should not have been interrupted. Lord Antrim then showed they were his own private property. I sent to him to say that I would be willing to purchase schools at my own cost, not for my own people only, but for the benefit of all denominations. I think the scheme is necessary to preserve the undenominational character of the schools about which such anxiety exists. If they remain in private hands, what is to hinder Lord Antrim or his successors, when bound by no trust, from turning them into denominational schools? Lord Antrim cannot bind any of his successors, and without some Scheme there is not the smallest safeguard that the schools will be in the future conducted for the benefit of all. In the last place, I think there is a greater necessity—the moral necessity of restoring the schools to their rightful owners, to those for whom the founder intended them. They should be under the control of churchmen, and open to all religious denominations. It is stated that there is no desire on the part of the inhabitants of Glenarm for any Scheme. If it were Lord Antrim's own private property, I am sure he would not consult the feelings of the people. If the false breath of slander could be brushed—that cowardly slander which has attributed to me abominable motives—and if the inhabitants knew the true state of the case, and that this was Church property, I believe the people of Glenarm would be in my favour; that for once at least the voice of the people would be the voice of God, that voice which has said—"Thou shalt not covet thy neighbour's house."

Rev. R. M. King (Remonstrant Presbyterians) examined.

266. I am minister of the congregation with which Stewart Dunn's father was connected up to his death. They were always known as Presbyterians, and the service at the grave was conducted by, I believe, the Rev. Alexander Montgomery and Rev. Thomas Smith (Remonstrant Presbyterians). My belief in regard to the schools is that they should be strictly undenominational. They have been so, as far as I can remember. When schools pass under control of one

denomination, those schools, no matter what may be the present intentions, will eventually become the tools of that one denomination. There is a great wave of denominationalism spreading over the country at present, and schools under the National Board, no matter whether intended for the benefit of all denominations or not, are being gradually turned round and utilized by a single denomination. I do not mean to say that Mr. Dudley-Jones intends to

Rev. R. M.  
Rev. S. F.  
Dudley-Jones

Dr. T. M. E.  
Rev. E. M.  
King.

turn these schools into Church schools, but he will not be here always. He is a man of exceeding generosity, especially to those who differ from him, but we have no guarantee that an Episcopal Board will continue to carry out that policy. Lord Ardagh's management is not Episcopalian, it is simply as parson and as owner of the schools he acts. If any Scheme be drawn up, I would request that the

minister of the First Congregation, the oldest Presbyterian congregation here, should be represented.

2567. Dr. TRAINE.—What are your numbers in Glenarm?

Mr. KING.—Our numbers are rather small, but we have one-ninth of the attendance at the school, and I hope in time they will increase.

John Jeffie.

2568. Mr. DUDLEY-JONES.—You are intimately connected with Glenarm—I am.

2569. You were ordained as a Unitarian Minister? No, as a Remonstrant Presbyterian. Although not a Presbyterian as to theology, I was a Presbyterian as to Church government.

2570. You are connected with the family of Stewart Dunn—I—Intimately.

2571. You are his heir—I—Not quite; I am his representative. Stewart Dunn died intestate and without issue. His wife pre-deceased him. His sisters, Mrs. Stewart and Miss Dunn, were his co-heiresses. My mother-in-law was Mrs. Stewart. His co-heiresses bequeathed all their property, and all that came through them, to me.

2572. Lord Justice FREEMAN.—You are a member of the family?

WITNESS.—Yes; I was regarded after my marriage to Stewart Dunn's niece as one of the family.

2573. Mr. DUDLEY-JONES (to witness).—You were very much in Stewart Dunn's company in the latter part of his life—I—*J. W.*

2574. Mr. DUDLEY-JONES.—What were his religious tenets—I know that he professed to be an Episcopalian—a member of the Established Church as it was designated in his day, and of the Church of Ireland as it is now called.

2575. MONSIGNOR MOLLOY.—But as to the early period of his life—I was ordained at Glenarm in 1822, and in the company of Rev. James Nixon Porter, minister of the then Remonstrant Presbyterian (Unitarian) Congregation of Carrickfergus, I visited Mr. and Mrs. Stewart Dunn early in 1822. Mr. Porter, who was uncle of the present Master of the Rolls, informed me, prior to the visit, that Mr. Dunn was an Episcopalian, and that Mrs. Dunn was a member of his congregation. He said he believed Mr. Dunn was a member of St. Nicholas' Church, in Carrickfergus.

2576. MONSIGNOR MOLLOY.—Do you know Stewart

Dunn's denomination in his early life?—Before I was married, when I became engaged to his niece, she and I had a conversation respecting her uncle, in the course of which she told me that her uncle was a Unitarian and her uncle an Episcopalian, and she requested me not to speak harshly of the Church of England.

2577. MONSIGNOR MOLLOY.—Is it true that in early life he was a Presbyterian, and afterwards became a Unitarian—I do not know. My mother-in-law and his sister regarded Stewart Dunn as an Episcopalian, and from the time I became acquainted with him he was a Broad Churchman, as distinguished from a High Churchman or a Low Churchman. He was exceedingly broad, as he did not believe in an eternal devil or an eternal hell. He was anti-Calvinistic and anti-Orange.

2578. Mr. DUDLEY-JONES.—Were you present at Stewart Dunn's funeral—I was.

2579. By whom was the service read?—By the Rev. Mr. Courtney (rector of Glenarm) at my request. I felt it to be my duty to request a clergyman of his own denomination to officiate at his funeral.

2580. Have you got his Book of Common Prayer?—I have two (produced)—in fact, I have three. I wish to add that Stewart Dunn was a thoroughly liberal-minded man, and associated with the ministers of the various churches in Carrickfergus. Father O'Neill was an extremely able man, and there is an entry of Stewart Dunn's in his diary (produced) that he was present on August 9, 1840, at the consecration of the Roman Catholic Chapel, Carrickfergus, and dined with Father O'Neill and other friends after the ceremony. The Rev. Mr. Smyth, the external minister of Carrickfergus Non-Subscribing Unitarian Church, and my predecessor at Glenarm, was acquainted with the religious tenets of Stewart Dunn's father, Mr. John Dunn, but I could not, and would not certify that Stewart Dunn was other than an Episcopalian.

#### Cross-examined by Mr. TOWN.

2581. When did Stewart Dunn die?—On January 10, 1854.

2582. Was he a son of Jack Dunn's—I never knew his father to be called Jack; he was called John.

2583. Did John Dunn live at Glenarm?—Yes.

2584. And Stewart Dunn lived in the latter part of his life at Carrickfergus—I—*Y.*

2585. You know the Rev. Mr. Smyth of Carrickfergus?—He is my clergyman.

2586. What was John Dunn?—He was a Liberal Presbyterian; but I never saw him.

2587. Lord Justice FREEMAN.—What was Stewart Dunn's connexion with Glenarm.

#### Mr. J. McCLOY, Master of the Male School, re-examined.

J. McCLOY.

The Rev. Mr. DUDLEY-JONES in his statement to-day has tried to throw discredit on the schools and teachers. I, as one of the teachers referred to, claim my right to be heard in reply. The following results earned by school during the eight years I have been teacher of it, compare very favourably with the results made by my predecessors for the previous

twelve years. During the eight years, I earned in results the sum of £133 8s. 6d.; the amount gained for the previous twelve years was £135 17s. 6d. That is to say I earned £7 more in eight years than the former teachers did in twelve years. Taking the average results earned, my average for the eight years was £16 11s.; the average for the twelve previous

year was £10 1s. 2d. That is, I earned about 26 more on the average each year than my predecessors, spin the sum earned per head. I have had examined during my tenure of office 253 children who paid on the average 10s. 6d. per head. The number of children examined during the previous twelve years was 236, and the results fees per head averaged £1. 1d., or in other words I made on the average £1. per head more than former teachers. Passing from the results to the reports of Inspectors, I beg to submit the following extract from a report made by the Inspector the year subsequent to my taking charge of the school:—

"The efficiency of the school has improved very much. In the previous examination the percentage was 35; it is now 65. This increase is due to the efficiency of the new teacher."

Mr. Dudley-Jones has referred to the attendance at the Roman Catholic schools, and has tried to show by comparison with our schools that they are much superior, but he overlooked the fact that we have a sparse Infant Department, whilst the Roman Catholics have not, and when the infants are added to our numbers we have a better attendance on the whole than the others. Mr. Dudley-Jones also forgot a mention that there are two Roman Catholic clergymen in the village, who take a great interest in the education of the children of their flock, and who use every means in their power to force the children to attend school. I should like to know when Mr. Dudley-Jones took any steps to see that the children of his denomination attended school. During the eight years I have been here he has never taken the slightest interest in the schools one way or another. But I deny that the percentage of attendance at the Roman Catholic school is better than our own. The percentage of attendance at my school has been, on the average, nearly 75, while the average percentage for all

Ireland is barely 50. This I think shows that our schools are not the efficient institutions that Mr. Dudley-Jones has tried to show they are. Another thing about the attendance. There is not a respectable family in the town who have children that does not send them to us. With regard to some two boys who have gone to Camlough school, Mr. Dudley-Jones has tried to make capital out of that. I should like to ask him, are there not other causes besides dissatisfaction with a teacher why a child should change schools? He has spoken about slander, but I think he must have been listening to slandering reports about our schools. How else has he obtained this information which he has brought before this Court to-day; for during my term as a teacher he has never stood inside the school to see or know how they have been progressing? The school compares very favourably now with what it was during the years it was under the guidance of teachers who had the support and sympathy of Mr. Dudley-Jones, and I can appeal with confidence to my manager, Mr. McDonald, who is present here, to the Rev. Mr. Cowden, whose children are at school with us, to the parents of the children present in this Court, to say that the school is in a satisfactory state. I can also produce the Inspector's Report which will compare favourably with any other school in Ireland similarly circumstanced.

230. Lord Justice PRINGLE.—What is your classification?—First of Second; that is all the school would allow me.

Rev. Mr. DUDLEY-JONES.—I did not intend to refer to the teacher; I have no wish to say a word that would hurt the feelings of Mr. or Mrs. McCloy. I have not visited the school, but I have told my reason. I have again and again entreated people to send their children to school. I make a public apology to Mr. and Mrs. McCloy.

#### Mr. JAMES LEGAN (Carrickfergus), examined.

Stewart Dunn sat in the same meeting-house with me, and was appointed trustee. Occasionally he went to Church.

231. Mr. MORRISON.—I wish to read the following statement:—

"Lord Antrim is opposed to any scheme, but to allay his apprehensions of any person who may fear that he may not keep up the schools properly, he would consent to a Scheme embracing the three schools (but not the playground), vesting them in him and his successors, but without my Board of Control; but if this be not adopted he has not consent to any of his property being dealt with, unless upon any scheme."

I think the Antrim family will treat the schools in the future as they have done in the past.

232. Lord Justice PRINGLE.—We have now heard the whole case. Our Act provides that every scheme submitted to the Lord Lieutenant shall be considered by both Judicial Commissioners, Judge O'Brien and myself. Section 23 of our Act of Parliament provides that after the holding of such an inquiry as we have held here to-day, the Judicial Commissioners shall proceed to consider the objections made to them in writing respecting the Draft Scheme, and any amendments proposed to them thereon, and then shall, if they think fit, frame a Scheme in such form as they think expedient. We have to determine whether we think fit to frame a Scheme at all, and if so, we have also to consider in what form it would be expedient to frame it. I am entirely satisfied that the whole of the land mentioned in the deed of 1828 is intended in the site of these Glenarm Schools. As far as I can give a legal opinion, I am of opinion that, as that deed is in existence, and the premises have, ever since its execution, been devoted to school purposes, the property is bound by a subsisting charitable trust and no length of time can wipe out

that trust under the circumstances existing here. Now James Legan, that the deed, executed by Lord Antrim's predecessor, is known to exist, it would be his duty not to alienate the property or appropriate it to any other than school purposes. When the matter came before the Commissioners in 1891, Mr. McDonald said that the deed came on him entirely by surprise. He said—"we believe the school to be the private property of Lord Antrim," and anything which Lord Antrim may have said or done is explained by the fact that he was in ignorance of the deed. Lord Antrim and his predecessors have given to the school the playgrounds, the whole of the cut-offices of both the girls school and the boys school, nearly the whole of the yard, part of the building, and also the entire of the infant school, and that brings us face to face with the question whether it would be wise to frame a Scheme for this school property. My impression is that we ought not to frame a Scheme for the bit of property comprised in the deed of 1828 alone, if the result would be to injure the schools as an educational establishment. The next point is, whether we should act on what Lord Antrim has proposed as to preparing a Scheme which will operate on the whole of these schools. These Schemes are the cheapest and most effective mode of providing protection to schools. Our Act gives us power to form corporations for the government and protection of school property. If Lord Antrim could see his way to associate with himself a number of persons—even persons nominated by himself or members of his family—I would be inclined to vest the property in a body as constituted, but we cannot incorporate Lord Antrim and his successors. If at any time the heir-at-law was not carrying out the trust, it would be unsatisfactory to have property of the kind vested in a single individual. Originally Edmund McDonnell, Anna Catherine

No. 1, 1888.  
James Logan.

Cousins of Antrim, and four other persons were associated in the trusteeship and management of the schools, and if in the course of a short time Lord Antrim and his advisers could put upon paper any similar proposal for the future it would be a great improvement. That brings us to the point raised by Mr. Dudley-Jones. Under the deed of 1855 I do not believe that the trustees were selected as members of any particular religious denomination. Edmund McDonnell was the husband of Lady Antrim, and he and his wife represented the estate. The next name was that of Thomas Devlin who was the agent and would also represent the property; George Hallinan also is said to have been connected with the estate; and the remaining name was that of Stewart Dunn, who, whatever he was, was certainly not a bigoted Churchman, I think he was chosen more as representative of Glenarm. We have also the minister for the time being, but there is no evidence that his powers differed in any way from those of the other five trustees. There were six, of whom he was one. As regards the Draft Scheme, I explained this morning that we are here for the purpose of considering and amending it, and having heard the evidence, I do not think it would be possible to stand over a scheme which would incorporate the Bishop of the Diocese, the Incumbent of the Parish, and two Churchwardens as ex-officio Governors, or that would deprive the owner of the Antrim estate of a large and even preponderating share in the management, or that would appropriate the schools to one denomination. So far as the Draft Scheme has this effect, I, for one, am not prepared to approve of it. There should be no misunderstanding as to the result of to-day's inquiry, and I would ask Mr. Harrison, within, say, the next ten days, to let us

have in writing Lord Antrim's proposal to deal with the whole of the school property, including the infant school as well as the other two. If Lord Antrim will let us have that, and tell us whether he thinks a scheme should be prepared, declaring himself to be a trustee of the whole of the property for school purposes, we shall gladly consider any suggestion by which it should be vested in a body of trustees acceptable to himself. We have no jurisdiction over Lord Antrim's property, or over the infant school; that is a matter for his own consent. Mr. Dudley-Jones has spoken in an open kindly way of all that Lord Antrim has done for this place, and he says that it never entered into his mind that his stirring in the matter would have taken Lord Antrim's assistance away from this school. But we cannot forget that until he took up this deed of 1855 was unknown to every person concerned, and to some extent the trust property was endangered thereby. I know nothing of your local differences, and I hope I never shall, but in hearing up this deed, and in discovering this information, Mr. Dudley-Jones has been looking after a piece of property devoted to education. I do not think that the evidence as to the religious views of Mr. Stewart Dunn was material. It has satisfied me, that the original appointment of the trustees was intended to be one on which prominent representation, if not the predominant control, would rest with the owners of the estate; that some representation was given also to the people of the place, and the minister also helped to found the schools, and was given a voice in their management. The schools ought to be maintained as National Schools subject to the rules and regulations of the National Board, and this Commission will do nothing to give them an exclusive character.

#### SCHEME No. 198.—THE CROMKILL NATIONAL SCHOOL, CONNOR.

(Objections and Amendments).

2513. Lord Justice FitzGibbon.—It appears from the Draft Scheme that by a lease dated April 30, 1873, George Joy, as owner of certain premises at Cromkill, demised them for 990 years to the Rev. Walter Johnston, Rector of the Parish of Connor and his successors in office, subject to the yearly rent of one shilling; and the lease provided that the demised premises should continue to be used as a school for the education of the children of the Parish of Connor, and that, if they should cease to be so used, the demise should become void. The Cromkill School is stated to have been used as a Sunday School for the Church people, and also for a National School. We have received two objections to the Draft Scheme. I will read them, as there must be some misconception about the facts. The preparation of the Draft Scheme was entrusted to Rev. Dr. Wilson and Dr. Trail, and upon the information before them, they entirely agreed, believing that the settlement they came to was a proper one. The first objection is signed by seven gentlemen. It is as follows:—

"Having received copies of Draft Scheme No. 198, County of Antrim: The Cromkill National School, Connor, and seeing that our names are put on the first representative Committee, we hasten to inform you that we will not act thereon, and that you will be good enough to immediately strike off our names. Not only will we not act, but we will do all in our power to prevent the alienation of property which belongs to us as Presbyterians, and the injuriously handing of it over to an Episcopal Board. We have been in possession of the premises for generations. We never paid a farthing of rent; we built and rebuilt the schoolhouse with our own—mostly Presbyterian money—and we will not part with it unless overcome by physical science."

That is rather strong, but there must be some mistake in saying that "an Episcopal Board" was proposed. We have appointed this sitting to hear evidence as to the property. The lease provides that

it is to be used as a school, and the sole trustee is the Rev. Walter Johnston, who, I understand, is now in New Zealand. I would advise that a Scheme should be secured that will vest the property in trustees for school purposes. If a schoolmaster were now to put the School Committee at defiance, unless they could prove title, he could not be put out, unless the objectors could overcome him by the "physical force" with which they threaten us.

2514. Rev. Mr. Gibbs (Broughshane).—Was there not another document from the members of Committee and others?

Lord Justice FitzGibbon.—Yes; this is the second objection:—

"We, the undersigned Members of Committee of Cromkill National School, County Antrim, and inhabitants of townland and district, hereby protest against the Draft Scheme for the future government and management of said school for the following reasons:—(1) The school was built by a Presbyterian Committee, and the money was subscribed by Presbyterians. (2) The school has been managed, and is now managed, by a Presbyterian Committee. (3) The school is situated in a Presbyterian district. There are Episcopalian children in attendance. For these and other reasons we strongly object and protest against the school being placed under the jurisdiction of the Down, Connor, and Dromore Diocesan Board of Education."

Here again, there is some mistake: that Board is not mentioned in the Draft Scheme from beginning to end. The two Assistant Commissioners who prepared it agreed to form a Committee in which the Presbyterians should have an overwhelming majority, and I understand that, under the Draft Scheme, the governing body will consist of 8 Presbyterians to 4 Episcopalians. We desire to create you a fully representative local Committee, and we are only anxious to get the property secured, for it is not secured at present.

2595. Rev. Thos. Eaton (Keila).—From what has been said from you, and I have no doubt you are speaking as you have been informed, you are under the same impression as the two gentlemen who drew up the Scheme, that there is an Episcopalian element in the neighbourhood and that they have had in the past some connexion with the school. You stated that the Episcopalians of the district were accustomed to hold a Sabbath School in this school. We are prepared to prove, that there never was in the memory of living man, an Episcopalian School in any shape or form held in that school. If the gentlemen who drew up the Scheme believed that, I can understand them giving the Episcopalians some representation. The late rector of the parish of Connor, the Rev. Walter Johnston, never gave a penny of endowment to this school, and no Episcopalian has in any shape or form given to it.

2596. Dr. TRAILL.—Is there not a list of subscriptions in which £40 is the sum put down for the Rev. Walter Johnston?

Mr. Eaton.—If any man or woman has put a statement before you that any Episcopalian contributed forty pence, I hold they are bound to appear here and prove that.

2597. Dr. TRAILL.—When you say of your own knowledge that no person except Presbyterians contributed, you are bound I think to prove that.

Mr. Eaton.—We are prepared to prove that, though the Rev. Walter Johnston is in New Zealand, there is plenty of time to have had a letter from him saying that he had subscribed to the school. We most emphatically contradict that, and have evidence to prove its contrary. We have one old man whom we cannot bring to sue, but we will send in his affidavit if you like. His memory goes back to 1816, to the opening of the school. We are prepared to submit to you the following facts:—first that the school is, and always has been under Presbyterian management; second, that the schoolhouse was built, rebuilt, and kept in

repair, and the school carried on wholly by money derived from Presbyterian sources so far as private funds were necessary; third, that from its first commencement in 1818 till the present moment, there never has been one penny of rent paid for it; fourth, there is no evidence, oral or written, to show that any Episcopalian ever had part or lot in the management of the Cronkill School, or ever contributed to its funds; fifth, that notwithstanding anything to the contrary, 77 years continuous and unbroken possession or occupancy, free of all rent and taxes, bars the right of any other claimant or claimants.

2598. Dr. TRAILL.—If you prove all that, we will give you a Presbyterian scheme pure and simple.

Mr. Eaton.—We can prove all that; we want to deal with facts and not to make speeches.

2599. Rev. Dr. WILSON.—It was stated to us that the rector had contributed £40, and that he also conducted a Sunday School there. I knew it was a Presbyterian locality, and Dr. Trail and I unanimously gave you an overwhelming majority; but if £40 were paid by the Rev. Walter Johnston, rector of the parish, and a Sunday School was conducted there by him, we hold the Episcopalians had a right to a share in the control of the school. If you prove the points you have mentioned, we will give you a Presbyterian scheme pure and simple.

Mr. Eaton.—There is only one Episcopalian in the whole neighbourhood.

2600. Lord Justice FIRZGIBSON.—Can you tell me anything about Mr. Joy?

Mr. Eaton.—I believe in 1816 the Joy family bought a portion of the Craggibilly estate. They held it to 1873, and it is alleged that when Mr. Joy was about to sell it out in 1873, this lease was made. We only heard of this lease lately. Mr. Joy sold his property in 1873 to Major Gray. I applied to Major Gray's lawyers, and they know nothing whatever of any lease with a shilling a year of rent.

#### *Robert Andrews sworn and examined.*

2601. Rev. Mr. Eaton.—How long have you been manager of this school?—Since my brother died in 1882, and my brother was manager from about 1871. That was after my father's death.

2602. Who was manager before your brother?—My father; he was manager, and got it under the National Board, I think in 1851. I get that from his records in the book.

2603. How long has the management been in your family?—Ever since that.

2604. How long have you known this school?—Since I was a child.

2605. You are correspondent?—I am manager, appointed by the Committee.

2606. During all your time, did you ever know of an Episcopal Sunday School being conducted in it?—No.

2607. Dr. TRAILL.—Or a Sunday service?

Witness.—No; I never knew of Mr. Johnston, the Rector, ever being in it in any shape or form. I never knew Mr. Johnston to visit the school. Canon Fitzgerald gave us three services. He came and offered his services.

2608. Dr. TRAILL.—Sunday services?

Witness.—Week-day services.

2609. Lord Justice FIRZGIBSON.—To whom did he apply?

Witness.—It was to me.

2610. Lord Justice FIRZGIBSON.—When did you first hear of the lease?

Witness.—When Canon Fitzgerald came he asserted there was a lease. There are no Episcopalians in our townland. We are managers of the Cronkill school, and nobody has ever interfered before.

2611. Rev. Mr. Eaton.—This is the school for this district of the parish, and we hold that the lease is not binding in any shape or form. (To witness) Do you remember this school being rebuilt?—I do, in 1890.

2612. By whom was it re-built?—By the Committee.

2613. Who disbursed the whole money?—Thomas McNamee.

2614. Dr. TRAILL.—Do you mean that the Committee spent the money out of their own pockets?

Witness.—No; we had aches to raise money, and we lifted subscriptions.

2615. Dr. TRAILL.—Did you ask subscriptions from any but Presbyterians?

2616. I know nothing about the collecting of the money. I was only a boy at the time.

2617. As a matter of fact, had Mr. Johnston or any Episcopalian anything to do with the collecting of the money, or the rebuilding of the school?—Nothing.

2618. Dr. TRAILL.—Have you any list of the subscribers?

Witness.—I do not know.

2619. Dr. TRAILL.—Would you not have a list if there were large subscribers?

Witness.—There were no large subscribers. It is a small school, thirty feet long.

2620. Dr. TRAILL.—Have you any entries in the books of the Committee?

Rev. Mr. Eaton.—I question whether there were any books kept. It is entirely a Presbyterian endowment.

2621. Lord Justice FIRZGIBSON.—According to

Robert Andrews

No. 2 HEN.  
Robert  
Andrews.

your own account nobody was ever put on the Committee because he was a Presbyterian. Would it not be better to allow the Committee to remain as it is, a voluntary committee.

2632. Dr. TRAILL.—Wasn't the parents of the children put on a position.

Lord Justice FITZGERALD.—Of the nine, suppose five

were co-opted and four elected by the parents of the children.

Rev. Mr. EATON.—We object to the Rector of Connor having any power over the school.

2633. Lord Justice FITZGERALD.—I do not think any one should go by virtue of his office.

Rev. Mr. EATON.—I do not claim any right.

### Thomas Hanna sworn and examined.

Thomas  
Hanna

2634. Rev. Mr. EATON.—How long do you know this school to—For over forty years I remember the school being built.

2635. Who paid the money in the first instance—I Thomas McNees.

2636. He was an old member of the Committee—I A member of the Committee about eighty-six years ago.

2637. How was the money raised—I A neighbouring man along with me lifted the greatest part of it.

2638. How much did it cost—I I think it ran the height of £100.

2639. Lord Justice FITZGERALD.—Did you know the Rev. Mr. Johnston?

Witness.—Yes.

2640. Do you remember his having anything to do with the school—I don't think he was ever inside of it.

2641. Rev. Mr. EATON.—How did he get the lease of it?

Witness.—Mr. Joy was selling the townland, and he was afraid of a Roman Catholic buying Cremill, and accordingly he gave the Rev. Walter Johnston a lease for the school.

2642. This lease was given because he was afraid a Roman Catholic would buy it—I Yes.

2643. Lord Justice FITZGERALD.—When did you first hear about Mr. Joy being afraid a Roman Catholic would buy it?

Witness.—It is a good many years ago.

2644. Dr. TRAILL.—Is it twenty years ago?

Witness.—No.

2645. Lord Justice FITZGERALD.—Do you remember Mr. Joy selling the property?

Witness.—Yes.

2646. Was it then you heard of the fear of a Roman Catholic buying the school—I No; since then.

2647. How long ago—I About twelve years.

2648. Who did you hear it from—I The voice of the country.

2649. Rev. Mr. EATON.—Did you ever know of an Episcopalian giving a subscription to the school—I Never.

2650. You have been on the Committee for the last forty years—I Yes.

2651. Did you ever hear of the Rev. Walter Johnston, Rector of Connor, giving the enormous subscription of £40—I Never.

2652. Dr. TRAILL.—Did you ask the Rev. Walter Johnston for money when you were going round—I I do not believe he was in the parish at the time of the building.

2646. Lord Justice FITZGERALD.—Mr. Joy was going to sell the property and he gave this lease to secure it for school purposes.

Rev. Mr. EATON.—Mr. Joy said he was afraid non-Roman Catholics might buy the property and I suppose cut out the Protestant community. It was certainly very thoughtful of him, but we hold notwithstanding all that, that having been seventy-seven years genuine occupancy no one has a right to take it from us.

2647. Lord Justice FITZGERALD.—Let us recite in the Scheme that this lease was made in 1873, but that for seventy-seven years the school has been always managed and kept in repair by a Committee, and that it was re-built in 1880 by them, let the present Committee be the first governing body, and whenever there is a vacancy amongst them they can fill it up by co-option. Vest the property in them, and all be well.

Rev. Mr. EATON.—If you do that we will be thoroughly satisfied.

2648. Lord Justice FITZGERALD.—Would it be better to let the Committee always co-opt, or let a portion be chosen by the parents of the children.

Rev. Mr. EATON.—If you make the present Committee the corporation we are quite satisfied.

2649. Rev. Mr. GIBSON (Broughshane).—I do not wish to say anything if these suggestions are to be agreed to, but if there is a probability of this Draft Scheme remaining, I would claim the right to say a few words.

2650. Lord Justice FITZGERALD.—I would rather let the management of the school go on as it has been doing.

Rev. Mr. GIBSON.—If this is agreeable to all I have no right to say anything.

2651. Dr. TRAILL.—Have you a Presbyterian Scheme?

Rev. Mr. GIBSON.—We have; in connexion with the Ballymena Presbytery.

2652. Lord Justice FITZGERALD.—We want the names and addresses of the present Committee; send them up to us immediately, if you please, and we will review the Scheme as we have indicated. No one appears to sustain the statements on which the Draft Scheme was based, but I am satisfied that the law was made for the purpose of giving the property to the school as it had been carried on for many years before.

This concluded the inquiry.

## PUBLIC SITTING.—SATURDAY, DECEMBER 9, 1893.

Dec 9, 1893

Present.—The Right Hon. Lord Justice FITZGERALD, Judicial Commissioner; and Right Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.B., M.A., F.T.C.B., Rev. H. B. WILSON, B.D., Assistant Commissioners.

N. D. MURPHY, Esq., M.A., Secretary, and F. REDKIND, Esq., B.A., Assistant Secretary, were in attendance.

## SCHEME No. 209—THE PAROCHIAL SCHOOLS OF THE DIOCESE OF MEATH, AND OTHER ENDOWMENTS INCLUDING THE ARDEEKENAN ENDOWMENT.

## OBJECTIONS AND AMENDMENTS.

J. H. Campbell, Esq., Q.C. (Instructed by Messrs. Dix and Sons), appeared on behalf of the Incumbent and Select Vestry of St. Peter's, Athlone; Rev. R. S. D. Campbell, M.A., Incumbent of St. Mary's, appeared in person. The following persons were also present:—Rev. Canon Keane, M.A., Jas. Vaughan, Esq., Robert Smiles, B.A.

MR. LORD JUSTICE FITZGERALD.—This sitting is held to consider any objections and amendments to draft Schemes that have been published. The responsibility for any decision that may be arrived at to-day rests entirely on the Judicial Commissioners, though we have always asked the Assistant Commissioners to give us their advice, and, as assessors, to help us in arriving at a conclusion. Mr. Justice O'Brien is engaged in Cork, but I have no reason to apprehend any difference of opinion between him and me upon any of the matters that will come before us to-day. If any such difference should arise, our Act is so framed that no mischief can result, because, if we disagree, things must remain as they are.

There are two Schemes in the list to-day, and I will shortly state, in each case, what the point is. The first, Scheme No. 209, proposes to make a change in the provisions affecting one Endowment, which is included in the Scheme long since passed for the Diocese of Meath. The case is interesting, for notwithstanding the great number of endowments with which we have had to deal, and the fact that nobody is infallible, this is one of the only two cases in which, after a Scheme has passed, we have received a communication to the effect that we had made a mistake. Of course we don't satisfy everybody in our dealings with property, but when we disintegrate them it is not by mistake, except in this case and one other, which has yet to be dealt with. When the Meath Diocesan Scheme was before us, the promoters were represented by Canon Keane. Every Endowment that was included was tested as exclusively belonging to the Church of Ireland, and no property was included except by virtue of a consent from the governing body. Possibly, if the matter were strictly looked into, there are some omissions in the Schemes over which we might have exercised compulsory powers, but wherever we have found endowments administered exclusively by persons of one denomination, and under trusts apparently for the benefit of that denomination, we have only acted on consent. The endowment as to which the question has now arisen is known as the Ardeekenan Endowment. It was founded on June 9, 1705, when William Handcock granted certain lands, of which a part is now represented by a sum of Government Stock, to the minister and churchwardens of "the Parish of Athlone," upon certain trusts for the benefit of poor widows and decayed householders of the parish of Athlone and of the Protestant religion. It now turns out that there are two parishes each of which includes a portion of the town of Athlone. The parish of St. Mary, Athlone, is at one side of the Shannon, and in the Diocese of Meath, and the parish of St. Peter, Athlone, is at the other side of the river, and in the Diocese of Elphin. It is rather unfortunate that the Elphin people to some extent contributed to the alleged mistake by the course which they themselves pursued. They applied to us for a Scheme for the endowments belonging to their diocese; a Draft Scheme was published, and if it had been proceeded with, we should have got from that diocese the same sort of information which we got from Canon Keane as to Meath; but, for some reason best known to

themselves, the Elphin Diocesan Council withdrew the application for a Scheme, and not only in this instance, but in another remarkable instance, thereby left themselves without anybody to look after their educational endowments. They have, in another case, obliged us to form a distinct body to administer an Endowment which we should have vested in a Diocesan body if formed.

The Meath Scheme went on, and with regard to the Ardeekenan Endowment we had a long correspondence, and got the particulars, through the Meath people, but we never heard of any question as to what "the parish of Athlone" was, and it was never indicated that any other parish than that of St. Mary, Athlone, was interested in the Ardeekenan Endowment. The result was that we treated it as an exclusively Meath Endowment; the Scheme passed us, it passed the Lord Lieutenant, it became law, and the St. Peter's people never heard of it. If they had been in the same diocese, this would not have happened, because each draft diocesan Scheme is sent to every clergyman, and notice is given to every other person that we can hear of, that seems likely to have any interest in the matter. The advertisements do not appear to have been noticed, and thus the misunderstanding has arisen. The Scheme vested the property in the Meath Diocesan Board, and it rightly enough declared that it was to be held upon trust for the benefit of poor widows and decayed householders in the parish of Athlone, of the Protestant religion. But it also provided that the income thereof might be applied from time to time by the Incumbent and Churchwardens of the said parish for the benefit of the widows and householders aforesaid, or that, with the consent of the Incumbent and Select Vestry, it might be applied by the Board for any of the educational purposes of the Scheme. It is obvious that "the parish of Athlone" is an ambiguous term, and if we do not amend it, the Board may have to go to Chancery to find out what "the parish of Athlone" means.

Well, the shoe soon began to pinch, because, shortly after the Scheme became law, the Incumbent and Select Vestry of the Parish of St. Mary, Athlone, stopped making any payment except for purposes connected with their own parish, and immediately we received from the parish of St. Peter, Athlone, a communication to the effect that for 70 years one-third of the income had been regularly applied for the benefit of their poor, and that the endowment had not been applied exclusively for the benefit of the parish of St. Mary, but two-thirds for the parish of St. Peter. They called upon us to rectify what they regarded as an injustice, which, they truly stated in their letter, they understood we had done in ignorance. They also say, in one of their letters,

"A resolution has lately been passed by the Meath Board of Religious Education, in whom the property is vested, to ask the Educational Endowments Commissioners if they will be pleased kindly to revise their Scheme relating to the Ardeekenan endowment for the poor of Athlone, so as to allow the parish of St. Peter's, Athlone, to continue to receive one-third of that charity for their poor as they have done for the last seventy years. As the fact that it had been so long used

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to pay this one-third to St. Peter's parish was conceded from the Commissioners in framing the present Scheme."

That letter is signed by the Incumbent of the parish of St. Peter, the Rev. George McCloskey. We thought that we ought to give an opportunity of reconsidering the matter, and, in order to have the matter finally settled, we published the Draft Amending Scheme which we are to consider to-day. The Draft Scheme recites the deed of foundation, it recites that the property was given, as I believe it was, to the minister and churchwardens of the parish of St. Mary, Athlone, to hold upon trust for the benefit of the poor widows and decayed householders of "the parish of Athlone," of the Protestant religion; it then recites, and it is to be discussed to-day whether this is correct, that the town of Athlone was partly in the parish of St. Mary, and partly in the parish of St. Peter, and that questions arose as to the objects of the charity; that by arrangement between the minister and churchwardens of the parish of St. Mary and the minister of the parish of St. Peter the net income, for many years before the date of the Original Scheme, was divided, and two-thirds were retained and applied by the minister and churchwardens for the benefit of the widows and householders of the parish of St. Mary, and the remaining one-third was paid over to the minister of the parish of St. Peter, to be by him applied for the benefit of such widows and householders as aforesaid. We then recite the Original Scheme, and also that which is undeniably the fact, namely, that when framing it, we were not aware of the questions which have since arisen, nor of the fact that a portion of the income had been paid to St. Peter's parish, and that, since the date of the Scheme, the whole of the net income has been paid by the new Meath Board to the Incumbent of St. Mary's, and has been applied for the benefit of that parish. We then recite that it is just and expedient to amend the Original Scheme for the purpose of securing the benefit of a portion of the Endowment, as formerly, for the parish of St. Peter. We then propose to enact that the Meath Diocesan Board shall hold this endowment upon trust, to pay two-thirds of the income, as if the amending Scheme had not passed, and to pay the remaining one-third, for the year 1893, and every subsequent year—we don't propose to go back on what has been done—to the Incumbent of St. Peter's, so long as he shall apply for it, and shall certify that it is required and can be applied for the benefit of poor widows and decayed householders of that parish of the Protestant religion, and be most, before receiving any subsequent payment, furnish an account of how he has disposed of what he has already got. If he fails to make this application, that is, in other words, if the objects of the original trust should not exhaust the money, we then propose that the Board may apply the money for such of the educational or non-educational purposes of the original Scheme, relating to the poor of Athlone, or any part thereof, as the Board shall think fit.

We have received an objection to this Draft Amending Scheme which raises the point which is now to be decided; it is from the Parish of St. Mary, the people in possession, so to speak; they protest against being deprived of what they have got, and they go on to say that, if so deprived, they will withdraw their consent to the Original Scheme. They might as well threaten to withdraw their consent to the Act of Union, so far as that is concerned. If the property is theirs, we shall be happy to leave it with them, but if it is not theirs, while I am sure they would be the last people to keep what does not belong to them, we must rectify our mistake. Accordingly, the real question is whether it is the fact, that the endowment belongs to both parishes. If it be the fact that for seventy years this money was divided, there are two possible explanations, either of which might account for what took place. "The parish of Athlone" is manifestly now an ambiguous expression. If, in the deed, "the parish of Athlone" meant a parish that

then existed, and if 188 years ago the present parishes of St. Peter and St. Mary were both included in a parish then known as the parish of St. Mary, Athlone, or "the parish of Athlone," unquestionably, if a division afterwards took place, the charity would be divisible also; the assets of a charity cannot be restricted by any subsequent ecclesiastical division, and therefore an arrangement seventy years old would be accounted for if there was a division of the parish. The property would remain vested in the trustees of the original parish, and the benefits of the trust would exist to the new parish that had been formed out of it. Another way of accounting for it might have been that, though there was an ancient parish of St. Peter, and an ancient parish of St. Mary, and both were in Athlone, the deed was inaccurate in speaking of the parish of Athlone. That would raise at once the question which we have to discuss to-day, but there is a good old principle of law, that if you find a thing done for a great number of years, you should presume, if you can, a lawful origin for what has haled along. And if the question did arise long ago, and if the people of the day had been wise, as I hope the people of this day are, in avoiding litigation, and had come to an agreement on the matter, by way of compromise, that agreement sanctioned by length of time, would now be binding. That is the whole case, and we may confine ourselves, I think, to a very narrow point. We want to know what are the rights of the parties, and if the parish of St. Peter really has a property in this, I am sure the Rev. Dr. Campbell will be persuaded by Mr. Campbell, q.e.d., that he ought not to try to keep what is not his; if, on the other hand, he can show us that it was by pure benevolence on the part of St. Mary, that St. Peter's got anything—

Mr. J. H. Campbell, q.e.d.—If he does I will have nothing to say!

1651. Lord Justice Fins-Grimson.—We ought to hear the Rev. Dr. Campbell, who is the objector, first.

Rev. R. S. D. Campbell, n.n.—I want to put the matter as shortly as I can, and, first, I hope that the point about the possibility of our withdrawing from this Scheme is not considered settled, because, when this correspondence first began, we raised the question of this fund being left in the old hands, and I have here a letter from your Secretary, which says "that the administration of the revenue derived from this endowment, can best be at present in the hands of the parochial authorities."

1652. Lord Justice Fins-Grimson.—We are perfectly ready to set on that, but the question is whether the administration is bound by a trust for St. Peter's; if so, we are not altering it by declaring the trust.

Dr. Campbell.—That is not the question at all that arises in this case, we have never disputed that the people residing in what you now call the parish of St. Peter, have rights as regards this fund. I have never disputed that.

1653. Lord Justice Fins-Grimson.—But you have taken the money away from them.

Dr. Campbell.—That may be true in one aspect of the question, but allow me to put the case from my point of view. When we say we wish to administer the fund under your Scheme, we say we are administering it for the benefit of both parishes. As a matter of fact how has the money been expended and how is we propose to expend any portion of it. If you have read the correspondence, which I have had the trouble of writing in this matter—it was a great trouble indeed—you will see that we have never proposed to absolutely take this from St. Peter's: what we propose is that we shall continue the administration of it under your Scheme, and whatever other benefits we derive from it they should derive like benefits in whatever direction the money shall be applied. Now I will show you how we work that out. St. Peter's parish has no parochial school, it sends to our schools more than one-third of its numbers. This School permits the application of the fund for educational purposes, and strictly to that purpose has the fund

as applied. Our poor have suffered as the poor of St. Peter's have suffered, neither more nor less; we have administered the fund strictly under the Scheme, applying it to educational purposes, and as the correspondence will show, we propose to do that in the future also as regards the poor or education. I have expressed more than once to the authorities in the past that we are prepared to receive any claims from St. Peter's parish, on the question of the poor, and to consider and deal with them on their merits. Let us say that, as trustees of this fund, we cannot part with that trust, and we wish to retain the administration of it in our own hands. Now I will go into history of the case, and I will read the condition of things in 1782 from our Vestry book. As a matter of fact, when this fund was founded St. Peter's was a quiet parish, there was neither clergyman or church.

2654. Monsignor MOLLOY.—Was there a parish?

Dr. CAMPBELL.—Nominally it may have been a parish; there was an old St. Peter's monastery, and as monastery being closed or abolished, I presume, nothing had been left clerical. Subsequently, on division of St. Peter's monastery, a church was built about 1800, but previous to that, and at the date of formation of this endowment, there was no church of St. Peter's at all.

2655. Monsignor MOLLOY.—Then the parish of Athlone would have meant the entire town?

Dr. CAMPBELL.—Undoubtedly, it covered the whole ground, and that is quite obvious from the records, which are very complete, concerning this parish. Take for example 1782, here is a record in the Vestry book of "the parish of Athlone," and it is called the parish of Athlone to this day. "The seat in the gallery commonly called 'the officers seat'"—the officers live on St. Peter's side, any who died there were buried in Athlone, and they had their seat in the only church in the town—"built for the parish for the use of the officers . . . it is further agreed that when a church shall be built in the parish of St. Peter's, Athlone, and sent thereto provided for the Army Officers, then their seat in the gallery shall cease and become the property of William Fox." When this fund was granted, William Hancock was Seignior of Athlone, it was then a Corporation, he endowed this parish with his amount of money, and he also endowed a school which is still existing, and it is to the support of that school that the funds have been applied by us in connection with your Scheme, so that really we have been carrying out one of the objects of William Hancock.

2656. Lord Justice FIRZGRENAN.—He gave a remittance of £20 a year which is payable still, for the benefit of St. Mary's parish, and you quite rightly get a share of that under the Scheme, because years was a school in existence at the date of the deed.

Dr. CAMPBELL.—"At the vestry of the Church of Athlone, St. Mary's parish, on Tuesday, 11th April, 1780, it was agreed by the Protestant parishioners that the lands of Ardkennan, belonging to the parish of St. Mary's and St. Peter's, be immediately surveyed, a return of which to be given in on Tuesday."

2657. Lord Justice FIRZGRENAN.—That shows that in 1780 the area and property of St. Peter's parish were treated by the vestry of St. Mary's as being under their jurisdiction?

Dr. CAMPBELL.—Undoubtedly.

2658. Lord Justice FIRZGRENAN.—And they would remain so until the division.

Dr. CAMPBELL.—Persistently from that day to this there is no evidence of any agreement between any persons, and there is no evidence whatever for the statement in your Scheme, of any "arrangement between the minister and churchwardens," but the evidence is all the other way. "At a vestry held in the parish church of St. Mary's, Athlone, Wednesday, 16th June, 1780, it is agreed . . . with the consent of the Rev. Dean Hancock and Gustavus Temple"—the deed provides that Dean Hancock, who has represented the founder, and the representatives in all time to come of the Hancock family, are to

have a voice in the settlement of who shall take part in this charity, and, if necessary, I will raise the point that consent never was given—"that the persons in the ensuing list specified shall be the persons to receive the half yearly payments as they shall become due out of the lands of Ardkennan, and that no alteration shall be made in the said lists but by an act of the vestry with the consent of the said John Hancock and Gustavus Temple." From that day to this, if you like to go through the accounts, which I have here, I can show that the sums were administered by the churchwardens and select vestry of Athlone.

2659. Lord Justice FIRZGRENAN.—Read us the first entry where it appears that any portion of the money was given to St. Peter's?

Dr. CAMPBELL.—It appears from the very first.

2660. Monsignor MOLLOY.—A definite proportion?

Dr. CAMPBELL.—Not a definite proportion.

2661. Monsignor MOLLOY.—Have you any evidence of a definite proportion?

Dr. CAMPBELL.—Not until Mr. Moffatt's time, fifty years ago.

2662. Monsignor MOLLOY.—Perhaps you will read us the first entry in which any defined proportion is allotted?

Dr. CAMPBELL.—I am afraid this book does not come down to Mr. Moffatt's time, it is Dr. Sterling's. The proportions varied, I think the Scheme is a foolish Scheme, if I may be allowed to say so with all respect, because it is quite possible that the poor parishioners in St. Mary's parish may diminish, and they may increase in St. Peter's, and you make a hard and fast rule. What I am prepared to accept, and I think it is reasonable, is that as the administration of this fund has been in the hands of the parish of St. Mary from the beginning, they are prepared to retain the application of it, and to deal justly and fairly by it, and any advantage derived by the parish of St. Mary shall be in like proportion shared by the parish of St. Peter, but they object in toto to having their trust destroyed and their control over it diminished. If the Scheme even proposed that in future the minister of St. Peter's should submit the list of poor persons in his parish that he thinks deserving of help to the minister and churchwardens of St. Mary's, I am quite sure St. Mary's would consider everything reasonably, and in that way the difficulty might be avoided. Here is the poor list from 1780, and there is no discrimination at all.

2663. Lord Justice FIRZGRENAN.—There could not be then.

Dr. CAMPBELL.—Why?

2664. Lord Justice FIRZGRENAN.—Because, as I understand, it was only when there was a new clergyman and church for St. Peter's that the question arose at all.

Dr. CAMPBELL.—The division of the town existed.

2665. Monsignor MOLLOY.—But the allegation is, that the fixed division into two-thirds and one-third was made about seventy years ago, and the evidence you are giving now is all behind that seventy years.

Lord Justice FIRZGRENAN.—What you have read goes to show that the poor inhabitants of the part of the world that is now known as St. Peter's, Athlone, were certain que d'rots of the minister and churchwardens of St. Mary's before St. Peter's was constituted into a distinct parish.

Dr. CAMPBELL.—It shows how completely the thing was in the hands of the minister and churchwardens.

2666. Lord Justice FIRZGRENAN.—When there was no one else to manage it?

Monsignor MOLLOY.—They were the minister and churchwardens of the parish of Athlone mentioned in the will, but now we have two parishes of Athlone, St. Mary's and St. Peter's, and a fixed distribution of the fund.

Dr. CAMPBELL.—That is an error.

2667. Lord Justice FIRZGRENAN.—That is just what we want to come to.

Dr. CAMPBELL.—I think my friend Mr. Campbell ought to prove that.

2668. Lord Justice FIRZGRENAN.—What you have

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shown us now is very important, as basing on the legal position, and I would hold, on what you have read, that any poor widow or decayed householder who lived in the parish of St. Peter at that time had just as much right to this money as a poor widow or decayed householder living at the other side of the Shannon in St. Mary's.

Dr. Campbell.—I never raised that.

2669. Lord Justice FROGGINSON.—That makes you trustees for them.

Dr. Campbell.—Quite so.

2670. Lord Justice FROGGINSON.—And you are still trustees.

Dr. Campbell.—Quite so.

2671. Lord Justice FROGGINSON.—When you speak then of our taking the administration of the fund out of your hands, don't misunderstand us as desiring in any way to take out of your hands any lawful power of administration, but you cannot lawfully administer this fund for the exclusive benefit of St. Mary's, if it belongs partly to St. Peter's.

Dr. Campbell.—We don't propose to do so, it is a slander to say so.

2672. Lord Justice FROGGINSON.—You consider it for the benefit of St. Peter's to apply the whole of the money to the School of St. Mary's.

Dr. Campbell.—Oh, no—be fair! I only ask fair play. We are educating in St. Mary's school one-third of those coming from St. Peter's parish, and the rest paying one-third; we don't get one penny subscription from St. Peter's to keep that school up.

Lord Justice FROGGINSON.—There again you get off the rails, if I may say so, with all respect. Hancock's trust is for poor widows and decayed householders, and it is only by virtue of this Scheme of ours that money really held in trust for poor widows and decayed householders can be applied to schools. We are bound by the law like anybody else, and every Scheme of ours that allows money to be transferred in that way, rests on the fact that there are none of the original objects available.

2673. Dr. TRAILE.—You used a very various expression just now; you said "our poor have suffered as much as theirs," which would seem to imply that you have broken through your duty to your own poor in administering the fund.

Dr. Campbell.—I don't think we have broken through any trust; but how much have their poor suffered?

Mr. Campbell, q.c.—To the tune of £16 a year.

Dr. Campbell.—These people have not dealt with this fund as they ought to, they have mixed it up with their parish funds; we can show a clear account of how we have dealt with the fund.

2674. Lord Justice FROGGINSON.—We propose to guard against that in the future.

Mr. Campbell, q.c.—I cannot allow that statement to pass without contradiction.

2675. Lord Justice FROGGINSON.—One at a time! We wish to provide that St. Peter's parish shall not get any of this money except for widows and decayed householders; if they want it for that purpose, neither you or anybody else can refuse it to them.

Dr. Campbell.—If they satisfy us that these cases are necessitous cases, I haven't the slightest objection to that.

2676. Dr. TRAILE.—That is the scheme.

Dr. Campbell.—No, it is not.

2677. Lord Justice FROGGINSON.—You claim the right of determining whether the decayed widows or householders of St. Peter's are or are not to get it. Why are the rights of the poor of St. Peter's parish to rest with the board of another diocese, and with the clergymen and select vestry of an adjoining parish?

Dr. Campbell.—Because they are the original trustees.

2678. Lord Justice FROGGINSON.—They are not the original trustees, because the churchwardens of the present day do not represent the churchwardens of the past.

Dr. Campbell.—I believe, as a matter of fact, if there

is any owner at all, I am the owner myself. The tenants have acknowledged me as landlord and paid me rent.

Lord Justice FROGGINSON.—The Representative Church Body are more probably the owners, you are not a corporation.

2679. Dr. TRAILE.—Were you incumbent at the time of disestablishment?

Dr. Campbell.—No, but since I came into office I have got rent paid me by these people.

2680. Lord Justice FROGGINSON.—If you had to sue them, I may tell you that they would be likely enough to nonsuit you.

Dr. Campbell.—It seems an unreasonable thing to expect a body which meets in Dublin, to find out the necessities of the poor of St. Peter's, Athlone. It will be, no doubt, like many other things, a purely formal investigation; the people who are on the spot are honest people are quite capable of judging whether or not there are in St. Peter's necessitous people. We are quite prepared to give not one-third, but the whole fund, if they can establish that their poor are more necessitous than ours, but we are quite capable of administering the fund.

Dr. TRAILE.—Is it not always a ticklish business between the clergymen of two parishes for one to interfere and point out who are the poor of the other parish? I don't think there is anything in the world that clergymen are so particular about. You would not like the clergymen of any adjoining parish to come in and say to you—"These persons whom you have named as objects of the charity are not proper persons to receive it."

2681. Lord Justice FROGGINSON.—You ought to see the law of the matter. I cannot see, on the statement you have now made, what defence there could have been, when St. Peter's was turned into a separate-operative parish, with minister and churchwardens of its own, to a suit praying that the trust should be administered by dividing the property between the minister and churchwardens of the old parish, and the minister and churchwardens of the new one. It would have been a matter of course to have made a division into shares corresponding to the demands. What probably happened was, that instead of spending their money in Chancery, they came to some understanding. We have heard your view of it, and we ought now to know from Mr. Campbell what evidence he relies on to show that there was a division, if there was a division—a lawful origin for it is presumable.

Mr. Campbell, q.c.—We put this matter on behalf of St. Peter's parish in this way. First, I really cannot tell Dr. Campbell in his objection that the Monk Diocesan Board are not to administer this fund, because that part of the original scheme was introduced at his request, and he has never quarrelled with it.

2682. Lord Justice FROGGINSON.—The object of that is obvious; ministers and churchwardens are no longer legally constituted trustees, and the main object of these Diocesan Schemes was to create lawful bodies, corresponding to the old ministers and churchwardens, who are nothing but trustees.

Mr. Campbell, q.c.—And they were so made trustees by the original scheme which Dr. Campbell accepted and was glad to get.

Dr. Campbell.—Yes; but I consented to that on the strength of your secretary's letter that the administration of the fund should be left in the old hands.

2683. Lord Justice FROGGINSON.—So it is by the original scheme. "The income thereof may be applied from time to time by the incumbent and churchwardens of the said parish for the benefit of the widows and householders aforesaid." All that the Board can do is to sue the tenants to recover the rents, to pay any expenses there are, and to hand over the net income to the proper *curia generalis*; but the fact was overlooked that the Incumbent and Churchwardens of St. Mary's were themselves trustees, not only for their own poor, but also for the poor on the other side of the river.

Mr. Campbell, q.c.—I am sorry my friend has not brought the records for the last seventy years, but we will be able to give you affirmative evidence without them. But, knowing that this point was directly raised, and was the foundation of the arraignment—namely, that there had been an arrangement seventy years ago universally and consistently acted on over here—I think it is most unfortunate my friend did not bring the records here.

Dr. Campbell.—You did not ask for them. I see I have one as late as 1818 that easily bears out what I have said, that there was never any exact division. "Dr. Strain received the other half for the poor of his parish."

1885. Lord Justice Fins-Garrison.—This is a very important entry—"A list of poor people that receives the Ante-Rent money, 1818—Robert Butler, Catharine Turner, Margaret O'Craven, do." Each of them gets £1, and it is marked "1s. paid." Then, underneath, I find "Dr. Strain receives the other half for the poor of his parish," a clear demonstration that the administration of the fund was not in the hands of St. Mary's.

Dr. Campbell.—That is not so.

1885. Lord Justice Fins-Garrison.—If your vestry had been acting as trustees, they could not hand the money over to any person to distribute as he thought proper.

Dr. Campbell.—We have been doing it all these years.

1885. Lord Justice Fins-Garrison.—Yes; to Dr. Strain who was just as much a trustee for his own parish as the other Incumbent was for St. Mary's. The position of the Incumbent and Churchwardens of St. Mary's was that of trustees for the poor widows and decayed householders of the whole town of Athlone; you chose your own poor in your own parish, where you knew them, and you gave the rest to the clergymen of St. Peter's, who stood in the same position to his poor as the Incumbent did on the other side, and he picked them out for himself. If you had been sued for a breach of trust, the defense would have been that the money was administered by the two Incumbents, each for the benefit of the poor of his own parish.

Dr. Campbell.—My own opinion is that the whole proceeding of giving it over to the clergymen on the other side was wholly illegal.

1885. Lord Justice Fins-Garrison.—It is fortunate that there is a presumption that such things have a legal origin.

Mr. Campbell, q.c.—Under the trusts of this endowment it was to be for the benefit of the poor widows and householders of the parish of Athlone. Assuming at first there was only one church in the parish, namely St. Mary's, and that the minister and churchwardens of that church were selected to administer the trust, the moment the parish was divided, and a second church established, then the minister and churchwardens of the new church would have had a right to point the Court of Chancery and to get a voice in the administration of this fund. That appears to have been the view that all the parties then took, because the records show that they did divide the fund, and that the persons who were to receive the portion given to St. Peter's were not selected by the Incumbent and Churchwardens of St. Mary's.

Dr. Campbell.—The record varies from day to day.

1885. Mr. Campbell, q.c.—We can only deal with those we have. That entry you yourself referred to gives the names of the poor persons in the parish of St. Mary's who were getting the benefit of the trust; it then goes on to say that another portion, namely, one half, was handed over to the Rector of the other parish, and there is nothing in that record to show that the names were there supplied, or that the names of the persons to share in that were in any way subject to the control or superintendence of the Rector or Churchwardens of St. Mary's. That in itself bears out the proposition that we put forward when we asked for

the Amending Scheme. But we will be able to give you evidence that, as far as the memory of the oldest inhabitant can be called on, certainly for the last 50 years, a definite and distinct portion of this fund has been handed over to the Rector and Churchwardens of the parish of St. Peter's, to be administered by them, without the control, sanction or direction in any way of the parish of St. Mary's, for the poor widows and decayed householders residing in that portion of the parish of Athlone known as St. Peter's. Whether that was the result of an amicable arrangement, as I presume it was, or the result of threatened proceedings, it has been acted on for over half a century, and being in accordance with the spirit of the endowment, it would be a very strong thing now to say—"We will continue that arrangement in form but not in substance, because we will make the parish authorities of St. Peter's submit the names and the objects of their bounty to the Rector and Churchwardens of St. Mary's." We contend that we have an absolute right to a portion of these funds to be administered for the benefit of the poor widows and decayed householders of our portion of the parish free from any control of the Rector and Churchwardens of St. Mary's. The matter has become important, because St. Mary's parish, which has the good fortune to have Dr. Campbell as its Rector, is a wealthy parish, and St. Peter's parish, on the other hand, is a much poorer parish, and has most poor residents in it. While there potentially have been few poor widows or decayed householders to be looked after in Dr. Campbell's parish, there have been plenty in St. Peter's; but Dr. Campbell, not having any poor widows or decayed householders, is anxious to divert the endowment to the support of his parish school, that is, to an exclusively educational purpose, and, accordingly, after this Scheme was passed, he got a resolution passed by his vestry to apply the entire funds to educational purposes.

Dr. Campbell.—For one year only.

Mr. Campbell, q.c.—If that was done on the very first chance you got, it is fair to say you would have kept it up. But, certainly, the very first chance they got after this Scheme was passed, they tried to divert every shilling.

Dr. Campbell.—It was expressly reserved, and I expressly mentioned to the Board that it was only to be for one year.

1885. Lord Justice Fins-Garrison.—But if you could do it lawfully for one year, you could do it again whenever you thought proper, and that really is the point of substance between you, whether it is legal to do it at all.

Mr. Campbell, q.c.—At the time St. Mary's Vestry passed that resolution, they were unconscious of the claims of St. Peter's parish, and when they became aware of those claims, it is right to say, to the credit of the members of St. Mary's vestry, that a resolution was formally proposed by Mr. Coote, a member of Dr. Campbell's vestry, and seconded by another member to rescind that resolution. But Dr. Campbell, who is always strong in figures and the assertion of his rights, being the chairman of the vestry, refused to take the resolution.

Dr. Campbell.—It is not fair to say that; it is not a fact.

Mr. Coote.—It is a fact all the same.

Mr. Campbell, q.c.—However, the fact remains that for these two years St. Peter's parish has not received one shilling of this money. We will give you evidence of the line of excommunication of the Rectory—first, the Rev. Mr. Moffat.

Lord Justice Fins-Garrison.—What was the Rector of Mr. Campbell, q.c.—Rector of St. Peter's.

Dr. Campbell.—He was of St. Mary's.

1885. Lord Justice Fins-Garrison.—His name appears in this book, "James Robert Moffat, Rector and Vicar of Athlone," in 1829; he must have come in just about that time, because I find another entry, "the above distributed this 31st day of March, 1829—J. W.

Stirling, Rector," and the very next entry is signed "James Robert Moffatt—the above distributed this 25th day of September, 1820." Can any one tell us when for the first time there was an Incumbent of St. Peter's?

**Rev. G. McCloskey.**—There is evidence that there was an Incumbent of St. Peter's in 1823, for in that year Robert Sherwood left £50 to the poor of the parish of St. Peter's, to be administered by the minister and churchwardens of St. Peter's.

2691. **Lord Justice Fitzgerald.**—In this book I find, signed J. W. Stirling, "Received from Francis Longworth by the hands of Rev. J. W. Stirling the sum of £5, being one year's annuity agreeable to the bequest"; that Sherwood bequest is entered here along with the others.

**Dr. Campbell.**—It was administered by Dr. Moffatt.

2692. **Lord Justice Fitzgerald.**—I have been looking over this book, and it throws great light on what happened; in the early part of it there is a full list of the distribution for each half year. "By giving the above £5 5d., and those below of St. Peter's £4 4d., you will balance in your hands so much—signed Pierce J. Gould," whoever he was.

**Mr. Dis.**—He was the Rector of St. Mary's.

**Lord Justice Fitzgerald.**—It makes no distinction until you come down later, and then you find half distributed as before, and the other half going to the Incumbent of St. Peter's parish, for his poor.

2693. **Monsignore Motter.** (to Dr. Campbell).—It strikes me that you are leaving us a little in the dark; it is stated in the second paragraph of our Scheme that an arrangement existed for many years by which there was a defined distribution of the fund between the two parishes, one got one-third and the other two-thirds; you challenge that statement.

**Dr. Campbell.**—Quite so.

2694. **Monsignore Motter.**—And you bring these books to establish your view, but you bring them only up to 1818, and you leave us in the dark from that up to the present time. The last entry here seems to show that you were then in a transition period, and that a new system was coming in; that before that time each parish sent in a list of its poor, but after 1818 the parish of St. Mary's drew up a list of its poor, and handed over the balance to St. Peter's. I find on the last page, under date 1818, "A list of poor

people that receive the Ardkeenagh endowment." Can you give us any entry of the distribution of the Ardkeenagh endowment later than 1818, because that is what we want?

2695. **Lord Justice Fitzgerald.**—In the beginning of the book you have a lot of Ardkeenagh accounts, and in all of them the names are given.

**Mr. Campbell.**—Even in Dr. Campbell's own time, until he secured this original Scheme, he himself administered the fund in that way; that is, one-third was given over, without any restriction or allegation of control, to the Rector of St. Peter's, and was administered by the Rector of St. Peter's for the poor widows and decayed householders. There was no submission to Dr. Campbell of a list of names or anything of the sort; that continued in his own time for a period of ten years, and no objection was made until he secured this new Scheme.

**Dr. Campbell.**—I only became aware of the fact when this question arose.

2696. **Mr. Campbell.**—When did you go to Athens?

**Dr. Campbell.**—I am only six years there altogether.

2697. **Mr. Campbell.**—Then am I not right in saying that in 1827, 1828, and 1829 one-third of the money was distributed by the Rector of St. Peter's parish without any control or discussion?

**Dr. Campbell.**—I handed it over to him, and he gave me a receipt for it.

2698. **Monsignore Motter.**—And I suppose you did that because you found the practice existing when you came to the parish?

**Dr. Campbell.**—Quite so.

2699. **Dr. Traill.**—Have you any entry in any book to show that it was the practice to give them one-third?

**Dr. Campbell.**—No.

2700. **Dr. Traill.**—Why did you give it to them?

**Dr. Campbell.**—Because I saw in the book that there was one-third.

2701. **Dr. Traill.**—In what book, the later book you did not bring?

**Dr. Campbell.**—Yes.

**Rev. Mr. McCloskey.**—The last Incumbent, Rev. Mr. Joly, was Incumbent for sixteen years, and during the whole course of his incumbency there is a record in his own handwriting, which is in Dr. Campbell's own keeping, that one-third during all that time was handed over to the Incumbent of St. Peter's.

#### Joseph Vaughan sworn and examined.

2702. **Mr. Campbell.**—Are you the agent to this Charity?—Yes.

2703. How long have you been in that position?—Nearly twenty years; I was appointed by the Rev. Mr. Joly; I was there during the incumbency of the Rev. Mr. Moffatt.

2704. But you were not acting as agent?—No.

2705. Were you there in the time of Mr. Berry?—Yes.

2706. Did Mr. Berry succeed Mr. Moffatt?—Yes.

2707. Who succeeded Mr. Berry?—Mr. Joly.

2708. Then are you acquainted with the way these funds were distributed for at least a period of thirty years?—Yes.

2709. What was the method adopted?—When I was appointed by Mr. Joly, the previous agent, Mr. Wallace, who was a solicitor, told me that the method in which it was always done was to pay over to the Incumbent of St. Mary's the whole net income I received, and that one-third of it went to St. Peter's. He said,—"It is better for you to pay the whole direct to the Incumbent of St. Mary's." I acted upon that. I was a member at the time of St. Mary's vestry; I am now a member of St. Peter's, and I am quite aware that Mr. Joly kept the books of St. Mary's most methodically. I have seen the books myself; there was an exact entry of the particular persons in

St. Mary's parish that the two-thirds were given to, and one entry showing that one-third was sent to the Incumbent of St. Peter's.

2710. That there was a clear division, and one-third went, without any restriction as to names or objects, to St. Peter's?—Yes; and the sum that Dr. Campbell appropriated for educational purposes, I may mention, was not the result of a year's income, but practically of three years. For a time no rents were coming in, and my account extended nearly over three years, the sum then came to about £60; it was a very large sum, so that practically he gave away three years' income belonging to the poor, and devoted it to educational purposes.

2711. In other words, the rents were uncollected up to 1890, and a substantial sum came in after the Scheme was passed?—Yes.

2712. Do you say that the entire of the money then in hands was diverted, pursuant to this resolution of St. Mary's Vestry, to educational purposes?—They were, I think it was from Mr. Wallace I got the information which I gave to Mr. McCloskey, but I am not perfectly sure, it was either Mr. Wallace or Mr. Joly.

2713. That an arrangement had long ago been made fixing the sum, because as you have seen from the books, the sum was sometimes a half in the earlier times?—Yes.

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Joseph  
Vaughan.

774. That appeared subsequently to be altered to one-third!—Yes.

775. Had the one-third remained uniform for a good number of years?—Yes, in St. Peter's they were altogether in the dark except for such evidence as I and Mrs. Joly, the widow of the late Rector, could give. Dr. Campbell had the books and they had no access to them.

776. Dr. Campbell.—In Mr. Joly's time did you see the books of his predecessor?—Yes, I saw Mr. Joly's books and they were most beautifully kept; I saw Mr. Moffatt's also, but as to the particular application of the Ardknean endowment I could not say.

777. Lord Justice Frougison.—Can you give the date of Dr. Joly's appointment?—He entered into the Rectory in 1868, immediately before Disestablishment.

778. Who was his predecessor?—The Rev. Mr. Berry for thirteen years; I was then a member of the Vestry, and churchwarden.

779. Mr. Campbell.—And it was during Mr. Berry's time that you speak of this division, of your own knowledge?—Yes.

780. He would go back to about 1856?—Yes.

781. He was preceded by Mr. Moffatt?—Mr. Moffatt was forty-four years before him.

Lord Justice Frougison.—That 1818 entry is made by Mr. Moffatt.

782. Mr. Campbell.—Do you know of your own knowledge that the books, prior to the time of Mr. Joly, do contain records as to how these funds were dealt with?—I do.

783. Dr. Campbell (hands document to witness).—Just read that, please!—(witness reads)—"Proposed by Mr. Vaughan, seconded by Mr. English:—That the Commissioners be informed that the Vestry will be relieved by the endowment arising from the Ardknean duty being vested in the Diocesan Board, with the administration of the fund left in the Incumbent and Select Vestry." I am very glad to see that, because I will now have an opportunity of explaining to the Commissioners how the whole thing arose. There never would have been any question of seeking to have this charity put under the Educational Commissioners but for my action; I was a member of the vestry, Mr. Dunnes Longworth, a lawyer, was also a member of the vestry, and quite understood what I brought before the vestry, that we were in a peculiar position as regards trusteeship. When Mr. Joly died, we had to apply to his son as executor to enable us to get to recover the rents. I said, "This is intolerable, and the proper thing for you to do is to get a title via the Endowment Commissioners."

784. Lord Justice Frougison.—I am very glad to hear you mention that. We have been trying to explain it to the clergy for the last eight years, but they all persist in believing that what they now call churchwardens are the same as the old churchwardens who were formerly elected by the parish, and recognized by law. Those new ones are no more their legal successors than I am.

Witness.—You will also see that the administration was to be left as before, I never had a thought that St. Mary's would ever misappropriate or lay hold of St. Peter's portion; if that had entered into my mind I would never have consented.

785. Mr. Campbell.—You would not propose a resolution of that kind now?—No, nor then, in that case.

786. Monsignor Measor.—The administration that existed then was that two-thirds were applied to the poor of St. Mary's, and one-third was handed over to the Rector of St. Peter's!—Yes.

787. Dr. Campbell.—There is said to be an arrangement, is there any more definite information as to the arrangement?—I have not any, but you can have no difficulty in giving us the date because you have the books.

Dr. Campbell.—There is no arrangement in the books I have gone through.

Monsignor Measor.—There is evidence in the very book you have brought up, but not complete. There is

evidence that, up to a certain date the two lists were given, and, in 1818, a list of the poor of St. Mary's is given, by the rector of St. Mary's, and one-third is handed over to the rector of St. Peter's and no list given.

788. Lord Justice Frougison.—It would have been a breach of trust on Mr. Moffatt's part to have handed the money to the Incumbent of St. Peter's, unless he was giving it to him as a trustee to distribute among his poor, and he could not depose the administration, in the sense of exercising a discretion between this and that poor person; this very entry is evidence that, when an Incumbent was appointed to St. Peter's parish, he was treated as having vested in him, as to his own parish, the discretion which had previously been vested in the Incumbent of the entire area.

Witness.—If you left it as in the original Scheme, it is perfectly plain that you would set two parishes blocking for ever, and here, Dr. Campbell's own Board, the Diocesan Board of Meath, very kindly came in and said, "We will take the administration of the fund and prevent this implementation."

789. Lord Justice Frougison.—If you had a Diocesan Board in Dublin, it would not have been necessary to vest the property in the Meath Board, but you very wisely appear to think that it is better to leave it in a corporation than to leave it in the condition which you truly describe, where you would have to hunt up the hair-and-law of the last surviving Incumbent who was there before Disestablishment, and even before you could get the tithe into him, you would have to show that both the then churchwardens had predeceased him. You all now understand the point, and I am quite satisfied as to the truth and justice of the amending Scheme. We can rests, on the face of it, that the administration of the fund was in the hands of the Incumbent and churchwardens of St. Mary's only, but that one-third of the money was handed over by them to the Incumbent of St. Peter's, upon his receipt, to be distributed by him among the poor widows and householders of his parish. The effect was that St. Mary's people remained the legal trustees, and all we do is to substitute this Board for them, in consequence of their being disestablished. The Board will remain bound to do all that the original trustees would have been bound to do, and I am glad to know that they recognize that it is only right, so long as there are poor widows and decayed householders in St. Peter's parish, that they should get the money in preference to schools or anybody else, but St. Peter's parish people have no right to apply the fund to educational purposes. If we had never meddled at all, they would have got it on trust for the widows and householders, and for no one else. Therefore, I think, the provisions of the original Scheme ought to stand, that if there are at any time no widows or householders entitled, say money not required shall then be applied by the Board, with the consent of the Incumbent and Select Vestry of St. Mary's parish. That will leave them every legitimate power of administration which they have at present, but will, at the same time, leave them bound by what I am satisfied on the evidence was a binding trust, to give a part of the fund to St. Peter's poor. I will mention the matter to Judge O'Brien, and if any one is dissatisfied with our opinion, we are open to say amount of checks; you can first go, if you like, to the Privy Council, and then take your choice between the House of Commons and the House of Lords, or even go to both, if you please.

Canon Keast.—Is it necessary to say anything with regard to the points that we have written to you and? There are two points which are corrected in the schedule; the other is about the discharge of existing trustees, as to which we have had a correspondence with the Local Government Board.

790. Lord Justice Frougison.—What was the cause of difficulty?

Canon Keast.—Because the former Governing Bodies had no audited accounts; the endowments are chiefly

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Joseph  
Wright.

held by the Representative Body and the parishes kept no accounts; all we could get was the last receipts for money by the schoolmasters. The Scheme refers to the last audited account, and there is no such thing in existence.

**Lord Justice FitzGrennan.**—What have you done about the only endowment of any consequence—the Preston Fund?

**Canon Keane.**—We had an account of that, but it was not required as the property is vested in the Commissioners of Education.

2731. **Lord Justice FitzGrennan.**—We will look into this for you.

**Canon Keane.**—One clergyman refused to put his school under our Board, because there was a provision, he said, that when once a school was put under the National Board, it never could be taken from it again.

2732. **Lord Justice FitzGrennan.**—Some persons raised that point before, and we consider that the connection of the schools with the Board.

**Canon Keane.**—I was asked the other day who are the patrons of our school? In Navan, I am the manager; the old patrons were the committee. Are the Diocesan Board now the patrons?

2733. **Lord Justice FitzGrennan.**—We believe the National Board recognises the Diocesan Board as the patrons, but that matter is really governed by the rules and regulations of the National Board, which overrules the Scheme, in the case of National Schools. You would oblige us if you would, within the next day or two, make any amendments you suggest on a copy of the Scheme, and we will consider them and put them into the Scheme, before signing it.

#### SCHEME No. 210.—THE INCORPORATED SOCIETY FOR PROMOTING PROTESTANT SCHOOLS IN IRELAND.

##### OBJECTIONS AND AMENDMENTS.

**J. H. Campbell, Esq., q.c. (instructed by Messrs. H. T. Dix and Sons),** appeared on behalf of the Society; **Rev. R. S. D. Campbell, M.A., and Thomas A. Finch, M.A.,** appeared in person. The following persons were also present:—**His Grace the Most Rev. Lord Plunkett, Lord Archbishop of Dublin;** **Very Rev. the Dean of St. Patrick's;** **Rev. H. Kingsmill Moore, M.A.;** **Rev. Canon Jeffet, M.A.;** **Rev. Canon Field, M.A.;** **Rev. J. W. Twiss, M.A.;** **W. J. McClelland, M.A., Head Master of Snaudy School;** **Robert East, M.A., Head Master of Ransagh School, Athlone;** **W. P. Chapman, Secretary of the Society.**

2734. **Lord Justice FitzGrennan.**—Detailed amendments have been sent to us by the present Committee of Fifteen, and also by Mr. Kingsmill Moore as Secretary of the Standing Committee of the General Synod. We have also got some amendments from Mr. Finch and from the Select Vestry of St. Mary's, Athlone. The Select Vestry of Dundalk have endorsed Mr. Finch's objections. We are glad to find that this Scheme which deals with such a large aggregation of endowments has only led to objections of detail, none raising any very wide question of principle. All may be dealt with now by beginning at No. 1 and going steadily through them. I have already gone through them carefully with a view to prepare myself for the consideration of them, and, as regards a good many of them, when they are called I shall state what we are prepared to do, in many cases accepting the amendments exactly as proposed, and in others suggesting some modification. The first is a proposal to define "religious instruction" to mean "instruction in the Holy Scriptures and the formulæries of the said Church." That is not an adequate definition, but I would propose, as in other Church Schemes, to insert in section 35, after the words "religious instruction" the words "in accordance with the doctrines of the said Church." I suppose that all you want is to identify the religious instruction with the Church of Ireland, and this will do it better than by putting in an incomplete definition which would confine religious instruction to instruction in the Holy Scriptures and the formulæries.

**Dean of St. Patrick's.**—Yes.

2735. **Lord Justice FitzGrennan.**—It is next proposed to omit from the members of the Society persons qualifying as annual members by subscription. The original charter, to which we are bound to some extent to have regard, provided that the Society should consist in the first instance of a number of named persons; it then empowered the Society to receive subscriptions and further "gave authority to the Society to elect into their number such scholars or benefactors to their funds, being Protestants, as they should judge fit and qualified to assist in carrying on its design, aforesaid." Now that the Church is disestablished, and this Society is to be made a representative body for educational purposes, subscribers should be encouraged, and accordingly we propose to provide that the paying of certain subscriptions shall qualify persons for becoming members. There is no objection to the proposal to

admit life members on a £10 qualification. We should like to know on what principle several members are to be excluded, particularly as that franchise is about the best nursery for life governors—any one beginning with a subscription of £1 is all the more likely to give £10 afterwards. Why should we leave them out, particularly as in all the large institutions in the North of Ireland, this franchise for annual members of £1, or sometimes less, is found most advantageous?

**Mr. Campbell, q.c.**—The Incorporated Society say, that if a man is prepared to give £10 and become a life member, he is secured there and you have him for the rest of his life, but if there are people with fresh ideas on the subject of this Scheme, all they have to do is to pay their subscription for one year, and give any amount of sanguines and trouble.

2736. **Dr. Tait.**—We have provided against that:—

"No person shall be qualified to act as an annual member until a period of six months shall have elapsed from the date of the payment of his first annual subscription or contribution, or unless his subscription or contribution for the current calendar year shall have been paid."

2737. **Lord Justice FitzGrennan.**—Is it your experience that a £10 fiduciary is less objectionable than a £1 fiduciary?

**Mr. Campbell, q.c.**—They are likely to be numerous. If a man has to pay £10 for his fiduciary, he would think longer over it, but he can give trouble for a whole year for £1.

2738. **Lord Justice FitzGrennan.**—These subscribers only become members of the Society, and you have the Archbishops and Bishops, and Deans and Archdeacons, and seventy-two members from the various dioceses, and some 120 existing members, to control them.

**Mr. Campbell, q.c.**—These annual members would be members of the Society for election purposes.

2739. **Lord Justice FitzGrennan.**—For the purpose of electing what?

**Mr. Campbell, q.c.**—Governors for one thing, and they would be a fluctuating body, and would not be acquainted with the proper persons to be elected governors; they would subscribe for a year or two, and then drop off and be succeeded by others, whereas if they take a permanent interest in the institution they can show that by becoming life members.

2740. **Dr. Tait.**—How can there be any objec-

give to an electing body if they take sufficient interest in the Society to subscribe £1 each? A person who subscribes £1 for a year is as good a person as a man who gives £10 in a lump sum.

Mr. Dr. Campbell.—I hope you won't listen to this objection; it is very important that we should get a liberal, inquiring, and active young element in the Society—we are too long in the hands of fogies.

Mr. Campbell, q.c.—That point is met by the introduction of the new element—representative members, members for life, and co-opted members.

Dr. Campbell.—Quite enough dead weight to balance anything like this.

Clause X.—The co-opted members are members for life; there is no provision for their removal if they cease to be members of the Church.

1743. Lord Justice FIRS-GIBSON.—Yes, there is. Mr. Campbell, q.c.—It is provided that so long as any of the members of the Society, existing at the date of this Scheme, shall continue to act, no new member shall be co-opted except in the room of an existing member ceasing office.

1743. Lord Justice FIRS-GIBSON.—Our idea was to have in seventy-two representatives of the different classes, and that fifty should be co-opted, making 112 altogether; with the Bishops and other dignitaries the Society would number altogether about 160 or 170, and the subscribing people would probably be much less. I very much doubt the wisdom of your departing from the original constitution. At this moment every subscriber and benefactor has the right to call upon the Society to consider whether he is not a proper person to be elected.

Mr. Campbell, q.c.—This Scheme gives him a right to be a member.

1744. Lord Justice FIRS-GIBSON.—A member of the Society, but not a Governor. There is another provision which we hope may lead to your obtaining funds; money collecting £5 or upwards annually will be members. It certainly is not too much to expect that there are so many of your schools want money, that may be locally collected by clergymen or others interested, if they are thoroughly qualified as members.

Clause X.—Ought there not to be a provision for vacancies in the case of co-opted members, as well as in that of co-opted Governors?

1745. Dr. TRAILL.—A co-opted member can do no positive harm.

Mr. Campbell, q.c.—We are not objecting to them, but only to the annual members.

1746. Lord Justice FIRS-GIBSON.—What is the view of the Standing Committee about this?

Most Rev. Lord Plunkett.—I don't think the Standing Committee have expressed any view upon this particular point.

Mr. H. Kingsmill Moore.—We have had no opportunity; we have not seen these amendments of the Incorporated Society.

Lord Justice FIRS-GIBSON.—The Standing Committee has always appeared here in all Schemes in which the Church is concerned, and we have asked them to help us. What would be your Grace's view about this?

Lord Plunkett.—I am rather inclined to agree with the Incorporated Society in this particular point as regards the annual members. I think it is very important that there should be some authoritative body behind the Governors as a kind of court of appeal, and that is provided for in Clause 8 where it says that the powers of the General Synod are, and I should be very jealous of any alteration whatsoever in that clause.

1747. Lord Justice FIRS-GIBSON.—There is a proposal to alter that.

Lord Plunkett.—That is a proposition which I would oppose with all my might, because my hope is that this new body, or rather this old body in a modified form, will become a most potent factor in the organization of our Church; it should as far as

possible be an integral part of the machinery of our Church, and the Church should have a control over all its acts; but, after having thought over this particular proposition, I am inclined to think that these annual members would not be the best body to have behind the Governors. I don't think it is a desirable thing that there should be in the power of persons by small contributions to get up a kind of faction, as it were, against an existing body such as the Governors would be. It is a very different thing having a body like the General Synod behind them, that should have a power of control, but I don't think that there would be any advantage gained by having a large number of annual members. I don't believe there would be many annual members myself, but I have never found, in connexion with societies that I have had anything to say to, that the annual members have ever been a powerful body either for good or for evil. I would certainly, in this particular instance, be in favour of the proposition that is made by the Incorporated Society. As regards my position in this matter and that of the Standing Committee—of course the Scheme was before us, and anything that we did not actually object to might be assumed to have been approved of—but we really had not before us all the propositions that the Incorporated Society has now made, and if this had been before us I should have coincided in the view that has been taken by the Incorporated Society.

1748. Lord Justice FIRS-GIBSON.—I would like to point out that the ex-officio members are sixteen, the representative members are seventy-two, the co-opted members at least fifty, and for the present the existing members will be a good many more; they are now one hundred and thirty-eight, and any number, bigger or little, who may give £10 each must be added. If there are few annual members, they can do no harm. But I should like to bear something on the Charter. It specially refers to subscribers and benefactors as those to be elected, and if we strike out the annual subscribers we are striking out a class the Charter refers to.

Mr. Campbell, q.c.—The Charter gives "authority to the Society to elect into their number subscribers or benefactors." It does not say "and."

1749. Lord Justice FIRS-GIBSON.—If it had said "subscribers and benefactors," it might be contended that a person should both subscribe and give a benefaction in order to qualify. I could understand your thinking that a man who paid £10 would get too much value for his money. In a life qualification I would ask you also to look to experience. This is a universal provision in the large educational establishments in the North of Ireland; in the Belfast Academical Institution the majority of the body consists of annual subscribers of £1, and a great many of their endowments have been derived from donations of people who began as annual subscribers.

Mr. Campbell, q.c.—It is all very well to say that there are ex-officio Governors and others who might outvote these annual members, but if a number of those annual members qualified in a special year, and made it their business to attend a special meeting for a special purpose, it is considered that they might give considerable trouble, and friction would result that would not be compensated by any corresponding advantage.

1750. Dr. TRAILL.—You are confounding members with Governors. How can they give trouble if they have no function under the Scheme but to elect Governors?

Mr. Campbell, q.c.—They can control the election of Governors.

1751. Dr. TRAILL.—Take the two cases, either they will be many or they will be few. They will have to be a very large number to out-top one hundred and thirty-eight to begin with.

Mr. Campbell, q.c.—That is assuming they attend.

1752. Dr. TRAILL.—They can vote by proxy.

Mr. Campbell, q.c.—We object to that.

1753. Dr. TRAILL.—If they are a very large number, look at the money you get in, and all they can elect is

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twenty Governors out of a much larger number, and before they can do even that, you must get the signatures of over one hundred and thirty-eight persons, and they must all vote together.

2754. MONSEIGNEUR MORAN.—I think the Archbishop's point was that 200 people could on a critical occasion subscribe £1 each and come in and control the election.

Most Rev. Lord Plunket.—That is what occurred to me, that on a critical occasion 200 people might be got together to subscribe a small sum, and that would not be the kind of body that ought to have the power of controlling.

2755. Dr. TRAILE.—We have provided against that; we say no person can exercise this power unless they have paid in advances six months.

Most Rev. Lord Plunket.—They could wait a year until they have the whole thing carried out—they could have a conspiracy.

Dr. TRAILE.—A conspiracy to give £200 to the Church is a conspiracy I should like to see very much.

2756. Lord Justice FITZGERALD.—All that has been said against this proposal is only by way of apprehension, against the universal experience of other places. It is very natural that those who are administering the property now should like to leave things as they are, but subscriptions were recognised in the beginning as a qualification, and the reason they have disappeared is because a very large amount of endowment was given to the Society very shortly after its formation, and the administrators of that existing endowment have really taken the place of what was originally intended, which was a Society of subscribers and benefactors.

Most Rev. Lord Plunket.—In a case, for example, such as the Missions Schools, I think it is very desirable to do everything that is possible to encourage people to contribute, but as a rule I don't think it a wise thing to encourage people to contribute for the purpose of interfering, even in the way of election, with the management of a Society, if there be any other better and more authoritative body, that would be more likely to consider the matter soberly and calmly, to refer to in time of need.

2757. Dr. TRAILE.—But the power of the General Synod is a totally different one, and is confined to altering the constitution of the Governing Body.

Most Rev. Lord Plunket.—Supposing the General Synod were to find things going on badly, owing to any circumstances that we don't now foresee, if in future anything should be going by default or any mistakes should be made, then would be the time for a body like the General Synod to interfere and to use the powers which it has, and which I hope will not be in any way modified.

2758. Lord Justice FITZGERALD.—Allow me to suggest this:—£10 is a rich man's franchise, and the experience of the Orphanages you mention, whose mainstay are the annual subscribers, some 3,000 people, as well as of the Belfast Academical Institution and places of that kind, shows how this system works. I really look myself to these annual members as being the way by which new blood is most likely to come into the management of the Society. You all know that the way a man becomes a member of the Incorporated Society now is by being asked to join; that is not a healthy state of affairs, that your Governors should be asked to join in the administration of property to which they have never contributed.

Dr. CAMPBELL.—There are a great many young men who have passed through these schools who are anxious to do something for them.

The DEAN OF ST. PATRICK'S.—I don't think it is worth our while wasting much time upon this; it is a matter of very little importance which the Society would, in deference to your lordship's opinion, yield to if the matter had come before us.

2759. Lord Justice FITZGERALD.—You know, Dean, several Schemes where franchises of this sort have been

brought in to supplement even large endowments, in the Cathedral Schools in Dublin, and in Cork, the thing was done.

Mr. CAMPBELL, Q.C.—Possibly a medium course could be adopted, and a payment made on entry.

2760. Lord Justice FITZGERALD.—I really should like to have a smaller franchise than the £10.

CANON JELLINE.—I don't think it is very likely that many people will join when you have a property of £8,000 a year unless they have an object in view.

2761. Lord Justice FITZGERALD.—Well, let us say an entrance fee of £2, and an annual subscription of £1 a year.

Mr. CAMPBELL, Q.C.—Very well.

2762. Lord Justice FITZGERALD.—The next point is on page 9. The Scheme proposes that the Governors to be co-opted, shall include one Governor at least resident in the vicinity of each Foundation School. It has been suggested that it might not be possible to do that, and I am prepared to meet this. We are very anxious that there shall be a local representative in each case, and I am content to say that in co-opting Governors, they shall, where possible, select one Governor residing near each Foundation School.

Mr. CAMPBELL, Q.C.—That will do.

Dr. CAMPBELL.—Our feeling is that that should be three instead of one.

2763. Lord Justice FITZGERALD.—We don't want to make the Governing Body too big: we have another objection coming on, on which we shall be glad to hear you about the Local Committees. I am going to suggest that this Local Governor shall also be a member of the Local Committee. Now comes a question of principle on which my mind is entirely open, whether its members should have power to vote by paper or proxy, or whether they must attend in person.

Most Rev. Lord Plunket.—I should be very strongly against their being represented by proxy or voting paper. I think the weight of any decision is to be measured by the opportunity that is given to those who are present of hearing all that can be said on one side or the other. My experience has been that the vote by proxy or voting paper has not been as satisfactory on the whole as that of voting by those present.

2764. Lord Justice FITZGERALD.—Does anyone wish to keep the provision? We put these things into the Scheme for consideration, some people like them and others do not, and as you all seem to wish it, let the members vote in person. It is next proposed to omit the provision that one half at least of the number of elected Governors shall be laymen.

Dr. TRAILE.—What is the objection to that?

Mr. CAMPBELL, Q.C.—First of all that it makes it compulsory, and next that we consider it is undesirable, because it might turn out that there were not half competent laymen available.

2765. Dr. TRAILE.—It is only half twenty; do you mean to say it is not possible to get ten laymen to serve as elected Governors?

Most Rev. Lord Plunket.—I hope there will be alteration made here, and I put it upon the same ground on which I base my other propositions, and it is that the we hope that this body may be an integral part of the machinery of our Church. We find that and the more important bodies that are appointed by the Church, such as the Representative Body, and the Boards of Education, that this proportion as between the clergy and the laity is strictly carried out, and I think it would be very desirable that, as far as possible, the form of this body should be analogous to those that are at present associated with the Church of Ireland. I hope it may become distinctly a Church institution in its organization as well as in its aims, and therefore I hope that this may not be altered.

2766. Dr. TRAILE.—I thought, when the ex-officio Governors included all the Archbishops and Bishops, that the clergy were very strongly represented, and as the Archbishop has pointed out, in our general Church system it is generally two laymen to one clergyman.

**Mr. Campbell, Q.C.**—My clients object that there will be difficulty in working it out.

**Mr. Taitt.**—There is no difficulty when the number only ten.

**Mr. Lord Justice Fitzgerald.**—How many have you at present on the committee of fifteen?

**Mr. Taitt.**—Three or four.

**Mr. Dr. Taitt.**—That shows that it ought to be filled as soon as possible.

**The Dean of St. Patrick's.**—The result will be that we will be obliged to appoint ten laymen, we cannot get laymen who will attend, and the whole thing will eventually fall into the hands of the clergy.

**Most Rev. Lord Plunket.**—Why should we expect that there will be more difficulty in getting laymen to sit upon this Board than upon the Representative Body, Standing Committee, or the Boards of Religious Instruction? I have no such distrust whatsoever as to the interest the laity would take in the educational welfare of our Church; I would most strongly press that this should not be altered.

**The Dean of St. Patrick's.**—I think it is drawing an artificial distinction between clergymen and laymen, endeavouring to abolish altogether. We simply want to have a body of governors who would be willing to attend.

**Mr. Dr. Taitt.**—Would you be satisfied if the word "at least" were left out, because that seems to imply you might put on more than half laymen—I hope if you could get laymen enough interested you would be very glad to have them.

**The Dean of St. Patrick's.**—We would be very glad to get two to one, if the two to one laymen could be got.

**Mr. Lord Justice Fitzgerald.**—I don't like drawing this distinction between clergymen and laymen, I will speak to the Dean on that. But shall we say that one-third at least shall be laymen, and one-third at least able clergymen, for under this clause as it stands a majority of electors among the laymen might edge the clergy out. Speaking for myself, I would rather have the restriction left out altogether.

**Most Rev. Lord Plunket.**—But it cannot be considered territorial, as it is a principle that has been adopted by the Church of Ireland deliberately in reference to all its Boards, is has been found to work in practice admirably. I should be very sorry that on that proposition that the Lord Justice has made should be carried out, there are two to one of the lay in other bodies.

**Mr. Lord Justice Fitzgerald.**—There are only two to one in the Diocesan Council.

**Mr. Campbell, Q.C.**—Do you not anticipate any difficulty your Grace is getting ten?

**Most Rev. Lord Plunket.**—I do not think there will be any difficulty in getting them, I have never had any difficulty arise, nor has it been found to arise.

**Mr. Campbell, Q.C.**—The experience of the Incorporated Society up to the present has been that they cannot get laymen.

**Most Rev. Lord Plunket.**—It will be a very different story.

**Mr. Lord Justice Fitzgerald.**—On your Grace's view, this clause would not do as it stands, for it includes the laymen only.

**Most Rev. Lord Plunket.**—I should leave out "at least" and fix half clergy and half laity.

**Mr. Lord Justice Fitzgerald.**—Would it meet your view to provide that in making these appointments they shall as far as possible appoint half laymen and half clergymen, or would you rather have it absolute?

**Most Rev. Lord Plunket.**—I would rather have it absolute.

**Mr. Lord Justice Fitzgerald.**—Then if it is to be absolute, it should provide that the number shall be half and half. The worst that can happen will be that you would get ten clergymen, and would have to take up the ten laymen with what they call in the Cork of Ireland "deadheads," and that would not do any harm, because it would leave the clergy the predominating influence.

**The Dean of St. Patrick's.**—If I wished the clergy to have the preponderance, I would vote for this, because it would give it to them.

**Cannon Walsh.**—Would not this be the place to introduce a proviso in case of there not being a sufficient number to form a quorum to hold an annual election?

**Mr. Lord Justice Fitzgerald.**—We will provide that the governors once elected shall hold office until there is a legal election of their successors. The next point is whether the Diocesan Synods or Councils shall elect. The original draft had "Synod" in it, I inserted "Council," because whatever experience I had led me to believe that the smaller body, for the purpose of election, was better.

**Most Rev. Lord Plunket.**—That matter was before the Standing Committee, it was considered carefully, and we came to the conclusion on the whole, that it was a difficult point to decide, but that it was better to have it Council.

**Mr. Lord Justice Fitzgerald.**—We are quite willing. Now we come to the power of altering the constitution of the Society. The Draft Scheme gives power to the General Synod to alter the constitution of the Society, and of the Governing Body, & it gives them power to alter the fractions or powers of anybody. At the end of the Scheme there is a clause which our Act of Parliament requires us to insert, which deals with another matter altogether, that is altering the scheme. No alteration of the scheme can be made except through the Board of Charitable Donations and Bequests; without such a power people should go to Parliament to alter these schemes, which have the force of Acts of Parliament. Before we decide this matter, I should like to tell you the history of the proposed clause. When we prepared our first schemes, we restricted the power of applying to the Board of Donations and Bequests for alteration to defined and interested persons or authorities. The Board of Bequests challenged our rights to do this, and said that under the Statute we were bound to give the Commissioners authority to alter these schemes on the application of anybody or everybody, or not at all. We joined issue with them, and went before the Privy Council, and pointed out that, especially in cases of voluntary or denominational schemes, we could not ask people to accept a scheme, and to have their rights affected with the force of an Act of Parliament, when next day anybody might apply to have it all changed in Kilgrave Place. We were strongly supported by the Methodists, Presbyterians, Church people, and everybody else; and after a regular discussion, the Lord Lieutenant and Privy Council upheld our view, but with an intimation that we ought always to leave it open to some independent authority, besides the Governing Body created by the scheme, to make the application. It was pointed this clause might be creeping in under a scheme, and that an alteration might be required to check them, and that in such a case the conscientious of the very people who themselves were guilty, ought not to be necessary to the exercise of the power of alteration.

We came to the understanding, which we have always since tried to carry out, that we would not confine the right of application to the Governors alone, if we could find any other responsible body to which we give power to apply, in case the governing body was going wrong. We put in both, and the alteration may be made either on the application of the governors, who might want to make some improvements in the working of the machinery, or on the application of some one outside, who, if the machine stopped, would try to start it again. Accordingly in this scheme an alteration can be made on the application either of the Governors or of the General Synod. In every diocesan scheme that we have hitherto framed, and in almost every scheme for an exclusively Church institution, we have made provision that the constitution of the Governing Body may be altered by the General Synod,

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and in every one of the Presbyterian schemes the same power is given to the General Assembly. There is, besides, the concurrent power given to the General Synod and to the Governing Body of applying to alter the scheme itself. My late colleague and I had some doubt whether we had power to do this, because it was more or less altering the scheme without going to the Commissioners of Donations and Bequests; but, after consideration, as we had a constituted supreme authority representing the Church of Ireland, and as the Presbyterians had a similar body, we thought we ought to try to give that body the power of making to this limited extent, on their own motion, with institutions belonging to their own Church. The clause passed and it has ever since been introduced into every denominational scheme, and you are about the first to object to it. Now, remember, the proposal is that the General Synod shall only have power to alter the constitution of the Society or of the Governing Body, not to alter trusts or powers. You should consider whether it is desirable to stereotype the exact present constitution of the Society and the exact present constitution of the Governing Body, so that they cannot be changed at all, until the body itself chooses to apply to have itself altered, or until the General Synod goes to the Commissioners of Donations and Bequests, and those Commissioners agree to make the alteration. Is it wise to necessitate going to Kildare Place rather than to your own Synod? The Commissioners consist of representatives of all denominations, they might be very slow to interfere—in short, this is a clause intended to give to the constituted supreme legislative authority of the Church to which this Endowment belongs, some power of legislating as to the constitution of the Governing Body, without outside help. Under these circumstances we are very willing to consider whether this Governing Body is to be subject at all to legislation in the Synod, or whether applications to the Board of Bequests is to be in every case necessary, but if the Synod is to have any power, it ought not to be made conditional on application being made, and the legislation being approved by the Governing themselves.

Canon Walsh.—I am satisfied to leave out the second alternative.

2778. Lord Justice Finnigan.—Is the Archbishop satisfied to leave out the first?

Most Rev. Lord Plunket.—I am not. I think it the very key-note of the whole scheme, the very pivot on which it works, and I think it would be a most unfortunate thing if it were to be altered or modified. I have no distrust whatever of the present Body, and I have no anticipation at the present moment as to anything going wrong in the future, but if such a contingency should occur about, I think it would be most unfortunate that the Church of Ireland should have to go to a Body such as the Board of Bequests, a Board of which I have the honour of being a member myself, which is composed of representatives of different denominations, that we should have to go to them to settle a matter which would be much more easily and practically arranged by ourselves. It is because I hope that this Corporate Body may become a handmaid of our Church in the future, and may become an integral part of our machinery, that I am so anxious on this subject. I cannot say how grateful I am to the Commissioners here for having drawn up a scheme which puts the Incorporated Society upon such a satisfactory basis, and I do hope and trust that nothing may be done to modify the provisions of this particular clause. I would have waited until those who support the objection had spoken, had not the Lord Justice appealed to me specially for my opinion, but I now give it frankly as I hold it, and I hold it very strongly.

2779. Dr. Traill.—Although what your Grace has said applies very forcibly to the present Body who manage the Society so well, we cannot shut our eyes to the fact that it is not very long ago since the Body managed it badly. In fact, I take the date when Dr.

Stubbs came on the Board as the date at which this Board began to revive, and the Society get a proper system of management; there is no doubt it was a badly managed Board.

Lord Justice Finnigan.—I have—for my shorter acquaintance with Irish Educational Endowments than Dr. Traill, and I am bound to say that both the Marquis of Kildare's Commission in 1858, and Lord Rose's Commission in 1878, found the management by the Incorporated Society, both of its schools and property, contumacious most favourably with others in Ireland; it was defective perhaps in some things, but the Board never was "very badly managed," so far as I know or believe—I say that in common justice, and without depreciating the great services of Dr. Stubbs.

Most Rev. Lord Plunket.—If the Synod were to act in this matter, it would be probably in the most friendly way, and it could be managed by negotiations with the existing Governing Body, whereas if the Synod were compelled to go to an external body, it would be likely to create ill-will, and therefore I think it is far better, if possible, to have the matter arranged amongst ourselves, and not to have it referred to a external tribunal.

Canon Jelett.—I think the only feeling about the matter was lest some troublesome person might wear the time of the Synod and of the Society. As regards what Dr. Traill alluded to, I think he did not, perhaps, know that at that time there were no preparatory examinations at all for admission into the Schools, and therefore there was room for jobbery.

2780. Lord Justice Finnigan.—It is only by Act of the General Synod that anything can be done, and any little experience I have gone to show that you cannot pass any Act through the Synod that is objectionable to any considerable number of the members.

Most Rev. Lord Plunket.—I think the Synod is a great deal too conservative.

Lord Justice Finnigan.—What do you say, Dean, will you submit to the Synod?

The Dean of St. Patrick's.—Hasty legislation is an all uncommon in the Synod, and we have suffered from men bringing forward bills.

2781. Lord Justice Finnigan.—Do they ever pass?

The Dean.—I would be satisfied with anybody who had given previous consideration to the scheme, but I don't like to have an individual member of the Synod get up and make a strong and violent party speech. It may be supported by a large number of persons in the Synod and carry a resolution.

2782. Lord Justice Finnigan.—They can do nothing by resolution, the power can only be exercised by an Act of the Synod. Then I presume we may lose that as it is. The next three amendments are right, except that I have a professional objection to use the word "premises" as meaning anything but what goes before. There is a verbal change which I propose to adopt, which you should bear in mind afterwards; the scheme was framed on the idea that each district should have one school of its own, but you appear to have more districts than one connected with some of the existing schools, and therefore the scheme should give power to define the examination districts "or districts" to be connected with each foundation school, and to determine the number of scholarships to be annually offered for competition in each foundation school. You propose at page 16, section 18, to omit provisions 5 and 6, which defines the subjects of the examinations for foundation scholarships, in order to insert one new clause instead of them. If we settle this satisfactorily, it will clear off a great many of the objections. The clauses in the scheme are copied from other schemes, and you propose to insert instead:

"The Governors shall determine from time to time the limits of age of Candidates who are admissible to the Examination; also the subjects of Examination in Semester and

Religious knowledge. The Examination in Religious knowledge shall either be a qualifying Examination only, or if it be Competitive, the number of marks allotted shall not exceed one half the number of marks allotted for the Secular subjects of the Examination."

There is an objection to the same effect from Mr. Finch and the Dundalk Vestry, and I have no doubt the ages fixed in the scheme are wrong. The scheme provides that they shall be from ten to thirteen, and that the junior scholarships shall only be tenable for three years, the result might be that a clever boy getting in at ten would be out at thirteen and he would not be eligible for the higher scholarships until fifteen.

Mr. CAMPBELL, Q.C.—We wish to give the Governors power to determine the ages from time to time.

2783. Lord Justice FIRFGANNOX.—I see no objection, let you propose to leave out—

"(3) The secular subjects of examination shall include two of Elementary Education, not below the standard of the Fifth Class as defined by the Rules and Regulations of the Commissioners of National Education for the time being."

I am very slow to do that; it is in all the diocesan and presbytery schemes, and the object is to secure what is too much confused in this country at present, the distinction between elementary and intermediate education. You ought not to give these scholarships to any who have not already received a fair elementary education.

Canon Walsh.—We had not before us what was the standard of the fifth class, and that was our difficulty. We propose in the case of the girls admissible to the Conventual school that they should be from ten to thirteen.

2784. Lord Justice FIRFGANNOX.—Standard has nothing to do with age. The first four classes of a National school are practically lower classes. Those children who are going on to something better should be found in the fifth and sixth.

Rev. Dr. TRAHERN.—The fifth standard is rather low. The child would be very elementary between ten and thirteen who would not be up to the fifth standard. It is desirable that they should take the fullest advantage of the National system before they derive any advantage from the Incorporated Society's Endowments.

2785. Lord Justice FIRFGANNOX.—Then No. 5 ought to stand as it is.

Dr. CAMPBELL.—Would you have any objection to insert a clause, page 16, after (3), "shall also have regard to the intentions of the founders."

2786. Lord Justice FIRFGANNOX.—That is not the right place to consider your objection. These clauses deal only with free scholarships. Page 17, section 18, we want to leave out the words "and the same person shall not be appointed examiner in the same subject in any two successive years," and the Standing Committee want to put in "nor shall he be one who fills or has filled the office of teacher to any of the competitors." Has that occurred?

Canon Walsh.—No committee of any sense would ever appoint a teacher of a child as the examiner of that child.

2787. Lord Justice FIRFGANNOX.—Have the head masters ever, as a matter of fact, examined at these examinations?

Canon Walsh.—Never.

2788. Lord Justice FIRFGANNOX.—You all know how this clause got into our Scheme. We found as a positive fact that for years the same gentleman, not only examined, but asked the same questions, year after year, in place after place, and certain masters actually on several occasions went from one examination where they had heard and written down the questions, and prepared boys for the examination held two days later in another district. Perhaps we might trust the new body, and even in Trinity College, where I believe, they have some good examiners, the same man

examines in successive years. Paragraph 8 may be omitted. It was really intended to prevent abuses that formerly occurred, but I don't think you could carry it out; it seems too strict.

Canon Walsh.—It is impracticable.

Dr. TRAHERN.—The last part of it is very important.

2789. Lord Justice FIRFGANNOX.—I think it important to show that these are to be local competitions, and that a convenient place of examination should be fixed in and for each district, and that all the candidates of the same sex should be examined together and in the same course.

2790. Dr. TRAHERN.—Is it not important that they should examine simultaneously in the same subject?

Lord Justice FIRFGANNOX.—I understand that is impossible. They have sent us their list of examinations; for Ranelagh they have three centres of examination, and two for each of the other schools. They could not examine simultaneously at Achill, Galway, and Ranelagh.

Dr. TRAHERN.—But in each district they should be examined simultaneously in the same subject. The complaint was that a few miles apart they were examined on different days, and a master came up and heard the oral examination, and then went home and spent the night preparing his boys, and they were examined next day in the same question.

2791. Lord Justice FIRFGANNOX.—There is to be but one place of examination in each district, and it will follow that the examination will be simultaneous. All the candidates of the same sex shall be examined together and in the same course, and we give you express power to adopt a different programme for boys and girls, though in the Intermediate Examinations boys and girls are examined in the same course. The ages are to be settled by the governors. You want to leave out—

"(4) Each candidate, during the twelve months next preceding the examination, shall have been in attendance at an elementary school in the district in or from which he or she is a candidate, and shall have made at least 100 attendances as a pupil at such school."

We want to secure what the trust requires, namely, that the candidates for these scholarships shall be really local candidates, and it is a subject of complaint, in cases like this, that people have come in for the mere purpose of getting the benefit of endowments. On the other hand the condition requiring 100 attendances might exclude a deserving candidate who had been ill. We don't think you ought to let in everybody. The elementary school test is a good one in general, but there are children who cannot attend an elementary school, from distance or other causes, and who, nevertheless, would be proper objects. I would suggest the adoption of the Meath clause, which provides that the candidates shall be pupils of elementary schools in the district, having given 100 attendances, but that in any special case, by resolution of the Governors, a pupil who cannot comply with that condition may be admitted.

The Dean of St. Patrick's.—There are cases where a family has moved from one district to another in the previous year, for instance members of the Constabulary force.

2792. Dr. TRAHERN.—Would it meet your difficulty if it was 100 attendances in any national school. No child ought to be admitted who would not bring results to the teacher.

Lord Justice FIRFGANNOX.—There are many children, in remote places who cannot attend elementary school at all. This is the Meath clause—"Each candidate shall during each of the two preceding years have made not less than 100 attendances at one of the elementary schools managed or maintained by the Board, provided that the Board may from time to time by special resolution admit as candidate or candidates any pupil or pupils of any other elementary school being otherwise qualified."

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The Dean.—Will you still oblige them to be in the district?

2793. Lord Justice FitzGibbon.—I think they ought to be.

Dr. Campbell.—I think so too.

The Dean.—That would be very hard. We have a case where a family has moved from one district to another.

2794. Lord Justice FitzGibbon.—We will give you power to deal with exceptional cases, *prima facie*, the qualifications will be residence and school attendance, and if for any special reason the Board dispenses with these, we give them power to do so.

Mr. Campbell, Q.C.—The rider would enable them to dispense with any part of the subsection.

2795. Lord Justice FitzGibbon.—Yes. There is another clause which I propose to put in here. There ought to be a general power to prescribe the form of application and the evidence of qualification, such as certificates from clergymen, schoolmasters and others that the children are qualified, but, to meet a subsequent mali, we should provide that each candidate admitted shall be seen either by the Local Committee or by some person appointed by the Governors. Written certificates about candidates are not always to be relied on, and seeing the children in the flesh is important. You want to leave out the limit of three years for the term of the scholarship, and I am quite willing that it shall be fixed by the Governors. But you want to leave out the limit of age too. That is rather strong. Sixteen years was proposed because it is the Intermediate limit.

Dr. Traill.—Sixteen years is long enough surely.

2796. Lord Justice FitzGibbon.—I don't think a foundation scholarship of this junior class ought to be held longer than sixteen.

The Dean.—If he gets it at fourteen or fifteen?

2797. Lord Justice FitzGibbon.—Would you allow him to keep it, and to keep another out of it, until he is eighteen?

Canon Walsh.—Two years always and another year if there is a special resolution.

2798. Lord Justice FitzGibbon.—There ought to be some limit to the enjoyment of these schoolboy exhibitions.

Dr. Campbell.—A boy of eighteen ought to be out of these schools.

2799. Lord Justice FitzGibbon.—Any boy who was one of your scholarships ought to be able to get one at the Intermediate Examinations to succeed it, and he can't do that after sixteen.

Mr. Campbell, Q.C.—They would like a boy who got it at fifteen to have two years of it.

Canon Walsh.—Would you make it obligatory on the Society to leave the boy in the school until he was of the prescribed age?

2800. Lord Justice FitzGibbon.—No, it is a limit on the Society beyond which you shall not go. "Shall be tenable for such term as the Governors shall from time to time prescribe, but not after he is of such age," would be the way to put it.

Dr. Traill.—The advantage of having the age prescribed is to prevent boys over age competing with boys of the age at which they ought to compete.

2801. Lord Justice FitzGibbon.—What do you say, Dr. Tristram?

Dr. Tristram.—I think it should be tenable to seventeen.

Dr. Moore.—I think seventeen.

2802. Lord Justice FitzGibbon.—Then let it be not more than seventeen; not to the end of the calendar year in which he attained seventeen, which might give him to seventeen years eleven months, but we will put in seventeen.

Mr. Finch.—I think it should be eighteen, we have very promising boys who get in at fifteen and make good progress. My point is, that a boy, before he is turned out of these schools, should have a chance, if he is a clever boy, of gaining a senior scholarship, and

if a boy only joined school at fifteen he could not make up the senior course by seventeen.

Dr. Campbell.—Should not boys come up for the junior scholarships earlier than fifteen?

Mr. McClelland.—The course for entrance in the provincial schools has been already fixed. The average boy ought to be able to get it at about thirteen or fourteen at the very outside, and he would be eligible for a senior scholarship at fifteen.

2803. Lord Justice FitzGibbon.—What is the age at which a boy ought to get one of these junior scholarships?

Canon Walsh.—Fourteen.

2804. Lord Justice FitzGibbon.—That tends to show that seventeen is the outside limit at which he ought to give it up.

Mr. Finch.—The average number get it between fourteen and fifteen.

Mr. Campbell.—I think seventeen will do.

2805. Lord Justice FitzGibbon.—Now on page 18 there is a point which I am anxious to concede, we proposed that the senior scholarships should be confined to pupils desiring advanced education or to qualify themselves for the profession of a teacher. We had the girls at the Colledge Training School in our view, but for the reasons given by Mr. Finch and the Society, we are quite willing to leave that out, and to allow the best pupils to win these senior scholarships, irrespective of their ultimate objects.

Canon Keene.—I think you might increase the limit of all the senior scholarships to twenty-two. The argument was from the Training College, they cannot enter that before eighteen, and generally not until nineteen or twenty.

2806. Lord Justice FitzGibbon.—If a boy having got a scholarship at fourteen then goes into *Sixty* as a senior scholar at seventeen, and has three years there, surely he ought to leave at twenty.

Dr. Traill.—Recently we had to legislate in Trinity College to prevent junior freshmen holding on scholarships for seven years.

2807. Lord Justice FitzGibbon.—I would be willing to allow him to hold it until he comes of age, provided he does not hold it for more than three years.

Canon Walsh.—We propose that the limit should be omitted, and that it should be left to the Governors to decide the time.

2808. Lord Justice FitzGibbon.—We must impose some limit, we will make it correspond to the limit for the other schools, and provide that you may define the term short or long, but not so as to continue the scholarships to people over age.

Dr. Traill.—If they hold it more than three years they prevent anybody next year getting it.

Canon Walsh.—It never has been done.

2809. Lord Justice FitzGibbon.—Now page 20, section 34, you propose—

"That, after the word 'pupils,' stand at first paragraph the following words be added:—'and also secular and technical instruction along to the children of parents not belonging to the said Church if their parents should so desire, provided that they do not hold foundation places.'

We could not admit these words for several reasons. Provided that they do not hold foundation places implies that they might do so, but the foundation places are limited to members of the Church, but we will insert a clause, in the proper place, that notwithstanding anything in the scheme the Governors may admit to their Schools pupils of other religious denominations as paying pupils, but not as foundation scholars under the Intermediate Conscience Clause, that is, that those pupils shall not receive any religious instruction to which their parents or guardians object, and that, if they are received, such arrangements shall be made as will enable them to get the full benefit of secular instruction.

The Dean.—That will do very well.

2810. Lord Justice Finnigan.—Section 25, page 30, has to go out. The next question is that of a Local Committee; we are very much wedged to this in some shape. From what we saw of the schools we all came to the conclusion that additional local supervision of some sort is required. I candidly tell you that there has been some drifting away from the local trusts, and a good many of the local endowments have been withdrawn from the local purposes of the founders and have fallen into the general fund. Local interest has more or less fallen into abeyance, and, for every reason, we are very anxious that somebody in each locality should have the right and be induced to undertake the duty of going from time to time to the schools. You visit very well from Dublin, perhaps once or twice a year, but that is not enough. One of the masters was enthusiastic about having some of his neighbours to visit his schools. Others did not seem to wish it, and we were equally impressed by both, for those who did not wish to have local visitors seemed to us to want them most. But the clause, as drafted, might set up a dual control which would be injurious, and we propose to amend it. We wish to insist that "A Local Committee shall be appointed, as hereinafter provided, to assist the Governors in the management of the foundation schools," but we will give the Governors full power to define their functions. I should like to put on the Bishop and the local Governor, and I would be glad to allow the Bishop to nominate a third, because, under your charter, the Bishop has already powers of supervision and nomination. Leave out the words prescribing their duty to visit, but let them visit whenever directed by the Governors, and also report to the Governors at they themselves think admirable or as the Governors require, and they should also have an opportunity of considering all applications from local candidates for competition. The objection goes to the rest of the committee altogether.

Mr. Dix.—We think there would be a difficulty in giving a Local Committee.

Canon Walsh.—It is desirable if it could be secured.

Dr. Campbell.—I think it could be secured and that the objection ought not to be pressed, and that this clause ought not to be weakened but strengthened and the Committee should be five instead of three. I have been struck with what has evidently struck you that, in some cases, there is a necessity for supervision. I know one school particularly—I allude to Farnham—which was very nearly collapsing altogether, and was only saved by one of the persons in the neighbourhood who took an interest in it.

Canon Walsh.—The catechist was there to look after the school.

2811. Lord Justice Finnigan.—We found that Seatedists had most divergent views about their duty; one catechist, and the master also, told us that it was his duty every Friday to check over the accounts and to look into all matters of that kind, and he and the master appeared to work harmoniously together. In another school it was conveyed to us that if the catechist asked to look over the accounts, or to do anything beyond giving his hour of religious instruction, he would have been met very unmercifully by the master, and he acquiesced in being a mere ecclesiastical visiting teacher. How are we to amend this?

Canon Walsh.—What are we to do if we cannot get a Committee?

Dr. Campbell.—I want it in the case of the Banagh School, the Rector of Athlone should be also added.

Canon Walsh.—Insert "if practicable."

2812. Lord Justice Finnigan.—"If practicable" means "if you choose." It would be always practicable if we form the Bishop, one person nominated by him, and the Incumbent of the parish into the members of a Local Committee. I confess we are rather firm in

our conviction that every one of your remote schools wants someone in the locality to take an interest in it, and would be the better of it.

Canon Jellett.—I was always in favour of that.

2813. Lord Justice Finnigan.—It would be invidious to make it optional; there would then be a discussion and decision in Dublin, where the local people would not be heard, as to whether there should be a local committee or not.

The Dean.—We are all in favour of a local committee if it can be got.

2814. Lord Justice Finnigan.—Then I propose to modify the clause by enacting that there shall be a Committee, but that the Governors shall have wide power of regulating their proceedings, and that the fixed times for visiting &c., shall go out.

Dr. Campbell.—Do you think that ought to go out?

2815. Lord Justice Finnigan.—I do, because the Governors will have power to do what is best in each case.

The Dean.—Are you leaving in the word "supervision?"

2816. Lord Justice Finnigan.—No; it indicates a control which the Governors primarily possess. Let the management rest with the Governors, and let them prescribe how the Local Committee shall assist in it; there will be some verbal change.

Mr. Campbell, &c.—How will their constitutional functions be defined at all?

2817. Lord Justice Finnigan.—We shall provide that the Bishop or his nominee, the Incumbent of the parish, and the local Governor, shall be members of the Local Committee.

Lord Plunket.—If they have not their functions prescribed they will be checked.

2818. Lord Justice Finnigan.—They shall have power to visit the school and to report; they will have a right of entry at all reasonable times.

Dr. Campbell.—I think they ought to have some regard to land tenures and property.

Mr. W. P. Chapman.—Oh, no.

Dr. Campbell.—Excuse me; you are the Secretary and I am not. I think it is very important that local persons who know the property should know when leases are about being renewed, and anything of that kind is being done. It ought not to be possible for an agent to become a middleman under the Board; a thing of that kind can be checked by a Local Committee.

2819. Lord Justice Finnigan.—They have an Estates Committee in the Royal Schools, and here the Board in Dublin may refer to the Local Committees anything about the local endowment.

Mr. Baile.—Is the efficiency of the schools to be decided by the Local Committee?

2820. Lord Justice Finnigan.—I propose to leave that out, but the Local Committee can report to the Governors in Dublin as to what is going on. Now, about the removal of the headmaster,—the proposal in the scheme is very cumbersome, that no headmaster or mistress shall be removed except by a resolution passed at a meeting at which not less than nine Governors are present, and confirmed at a subsequent similar meeting. These two meetings are really no protection to anybody, and very often prove a very great nuisance in railway matters, we, however, from an early stage, after communication with the Headmasters' Association, have always made some extra provision for the protection of the tenure of the office of Headmaster. I think it would be enough to say, "Except upon a resolution of the Governors passed at a meeting held upon notice to consider the matter, and at which not less than nine Governors are present, and the master or mistress shall have an opportunity of being present and being heard."

Canon Walsh.—That word "may" in the second line on page 21.

2821. Lord Justice Finnigan.—"Shall" ought to be "may" there. As to the fees, there is a confusion, I

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understand. The fees paid by parochial boarders are received by the master and not by the Society, but of course the masters ought not to be at liberty to charge any fees that the Governors did not approve. The Governors may regulate the fees to be paid by the pupils other than the Foundation scholars, but they ought not to have any power to remit or modify a fee that is not paid to themselves.

The Dean.—We propose to insert words limiting the power to those fees that are payable to us.

2822. Lord Justice Fitzgerald.—Now we come to a point on which there is a little difference of opinion, No. 30, as to the catechist's salary "not exceeding £50" is to go out, because we hope you will always pay him less. The scheme provides that "the Governors, with the concurrence of the Bishop, may at any time determine the appointment of the catechist." That is objected to by the Governors, they say they ought to determine it themselves.

Most Rev. Lord Plunket.—The appointment is to be with the concurrence of the Bishop, but I see no objection to the omission of the words "as to his removal."

2823. Lord Justice Fitzgerald.—Very well, the Bishop would consent in putting him in, but the Governors always can turn him out.

Most Rev. Lord Plunket.—The Bishop is to take care that he is a suitable man when appointed, and if he is turned out, that the next person also is suitable.

2824. Lord Justice Fitzgerald.—The next is a proposal that:—

"It shall be the duty of the Catechist to give religious instruction in person to the Pupils in the School for not less than two hours in each week, except during vacation, to arrange and superintend the religious instruction given by the teachers in the School, and to perform such other duties by way of inspection, examination and supervision, as the Governors may from time to time prescribe."

Mr. Finch says the time given now is one hour, but whether it is to be one or two is a matter for the Governors to say, and I don't think we ought to fix it.

Canon Jellett.—One hour would be abundance in some schools and utterly insufficient in others.

2825. Lord Justice Fitzgerald.—"To arrange and superintend the religious instruction." There is rather an important observation on that from the Standing Committee; they propose to leave that out and to say "Such duties by way of arranging religious instruction." They say:—

"The dual control here enjoined might prove injurious. The last words to perform such other duties, etc., give the power in cases where it should be thought necessary."

Power in a visiting catechist "to arrange and superintend the religious instruction" given by the teachers in the school, as well as by himself, looks very like a piece of machinery that will produce friction.

Most Rev. Lord Plunket.—Certainly, that is what the Standing Committee thought that the Governors should have power in general or in any particular case to arrange with regard to religious instruction. I would propose in the last line after the word "may" to add "as the Governors may in general or in any particular case."

2826. Lord Justice Fitzgerald.—That would be implied.

The Dean.—What is the objection to allow him to superintend the religious instruction.

2827. Lord Justice Fitzgerald.—You can direct him to do it if you please, but if by this amendment of the scheme you bind yourselves to allow him to arrange and superintend the religious instruction as he pleases for all the teachers as well as himself, be may walk in on a man who is just as competent as himself, and you will have a squabble without any power to end it.

The Dean.—He is the person responsible to the Society for the religious education of the children.

2828. Dr. TRAILE.—We have had the same question in National Schools. The rule I have made is that the

clergyman has absolute power when he is there himself, but he has nothing to do with the teacher when he is not there. I would not allow any clergyman to interfere when he is not there himself.

Canon Jellett.—The teacher prepares the religious instruction for the catechist, it is a matter of mutual arrangement between the catechist and the teacher.

2829. Dr. TRAILE.—But you propose to give the catechist absolute authority.

The Dean.—It is not a matter of mutual arrangement, the catechist determines what lesson the child is to learn, and the master may say you are not to determine what the child is to learn, I am to determine it.

2830. Dr. TRAILE.—The master is to be subject to the Governors, you cannot have two masters in the same place.

Most Rev. Lord Plunket.—No, and you must remember there is a great difference between schools. In some places there is a teacher who is perfectly competent to arrange these matters, and who would feel it very kindly if there was an authority put over him other than the Governors. If the Governors felt that in any particular case the catechist required to have authority to arrange these matters, they would have power to do so, but to give all catechists absolute power to arrange the religious teaching in every school, no matter how competent the schoolmaster might be, would never do.

The Dean.—Supposing he says—"I will take my pupils through the gospel of St. Matthew," and the teacher says—"I prefer the gospel of St. Luke,"—is the catechist not to have the power of saying "It is the gospel of St. Matthew the boys are to learn!"

Most Rev. Lord Plunket.—No, I think it is the duty of the master, as a rule, to arrange what the teaching in his school shall be; the duty of the catechist is to see that the teaching is properly given, and that it is up to the right standard, and if there is any difficulty between them let it be referred to the Governors, but I think it would be a most inviolable interference on the part of the catechist with the teacher of the school, that he should determine what religious instruction should be given.

Mr. Joslin.—Might I say a word as a teacher? At present the programme for our religious instruction is laid down by the Board of Religious Education, and we follow that from year to year, and I think it would be rather hard on us that the catechist could come in and change it to something else.

2831. Lord Justice Fitzgerald.—You might have a catechist who did not approve of the programme.

Most Rev. Lord Plunket.—Will the words "as the Governors may from time to time prescribe" be sufficient to enable them to vary their decisions in particular cases?

2832. Lord Justice Fitzgerald.—Certainly. The next proposition from the Standing Committee is to remove the limitation on the establishment of non-foundation schools to places where there is no adequate provision for intermediate or technical education. It ought to extend equally to cases where there is no adequate provision for elementary education.

Mr. Campbell, Q.C.—Is not that provided for in sub-section 6?

2833. Lord Justice Fitzgerald.—It is not. The Governors may aid non-foundation schools anywhere, but they cannot found them. It is at the end of this clause that the provision would best come in, that the religious education shall be in accordance with the doctrine of the Church of Ireland. On page 24 there is a question about the proper definition of Natural and Experimental Science. It appears that among the denominational distinctions in Ireland this is one. Dr. Molloy says, that the right term is "Natural Science," Professor Fitzgerald says it is "Physics," but I hope that if we get in "Natural and Experimental Science" you will teach everything. We shall put in a separate clause enabling you to aid in supplying requirements for technical education; it is very

necessary. Page 26, the Standing Committee want to make the grants in aid one-fourth instead of one-fifth of the local contributions, is there any reason for that?

Dr. Fingernill Moore.—To give the Society larger powers in giving grants.

Mr. Campbell, Q.C.—The Society instructs us to say they would rather have it as it is.

Dr. Campbell.—Why put in a limit at all?

2535. Lord Justice FIRTHGRIEVE.—Because, if there are endowments, there is a great tendency on the part of old people to save their own pockets at the expense of others.

Canon Walsh.—Let it stand as it is.

2536. Lord Justice FIRTHGRIEVE.—Now, in No. 56, we want the annual meeting to be held at a time when as many country people as possible are in town. Would 2 do to say in April or May.

Mr. Chapman.—The accounts close on March 31.

Lord Finschell.—Would you say "in or near" instead of "during" the week in which the Synod meets?

Canon Jellett.—April or May will do very well.

2536. Dr. TRAILE.—Is your rent account made up to the previous November 1.

Mr. Chapman.—All rents are included up to November 1, all outgoings to March 31.

2537. Lord Justice FIRTHGRIEVE.—The præsits go out, and therefore we ought to reduce the quorum of the Society to twenty. On page 27, we thought Dr. Stabb was your treasurer, we will put in the book. The Governors ought to meet at least once a quarter, and the Standing Committee at least once a month, except in vacation.

Canon Jellett.—Quite right.

2538. Lord Justice FIRTHGRIEVE.—Clause 43 will run:—

"The committee of fifteen shall constitute the Standing Committee until their successors are appointed."

We don't want to let you down to fifteen. In clause 43 you want a change which I should be sorry to make, even if we had the power which we have not. The Act of Parliament requires that all accounts of endowments under our schemes shall be audited by an auditor of the Local Government Board, or by some other competent authority agreed by that Board. Where a competent auditor is suggested the Board usually accept him, but you will find that he costs about twice as much as the Board's auditor. Most satisfactory arrangements have been made for the public audit, and we have no power to alter this clause. You should consider whether you will not have your accounts balanced on December 31 next after the Scheme comes into force, and then keep your accounts by calendar years. On page 48 you want us to say "1st November," instead of "the gale day next preceding the account." There is a very good reason for leaving it as it is. There is one charity I know in which the accounts are closed on October 31 and settled in the following July. The rents are payable on 1st November and they allow credit for the hanging gale besides to the agent, so that he has been allowed to keep an average of £1,000 a year in his hands for the last forty years, though every Commission has reported against it: we don't want you to do that. This is a Chancery rule that the receiver must bring down his account to the gale day before he lodges it. The last clause is wrong, and we will make it right. Now, I think, all the objections of the Standing Committee have been disposed of, and so are all Mr. Finch's, except one. He wants the senior foundation scholarships to be tenable at any school of the Society. Our idea, as at present advised is, that if there are senior boys in Dundalk or any other school, except Bantry, they should not be on the foundation. The system of the Incorporated Society from the beginning has been to put their senior exhibitors into one school and to give them the best possible mathematical teaching there together.

Mr. Finch.—Since the change in the time for which the junior scholarships may be held and the change of age, I would not press that objection.

2539. Lord Justice FIRTHGRIEVE.—Now, I should like to read the objection from St. Mary's, Athlone.

"The Beesley, Athlone,  
9th October, 1893.

"Gentlemen,—At a meeting of the Select Vestry of the Parish of Athlone, held this day, the Draft Scheme for the management of the Ranelagh Endowments, are unanimously of opinion that (1) that Scheme does not sufficiently guard the educational interests of the Protestant poor of Athlone, Town and Manor, for whose exclusive benefit the Endowment was originally provided; and (2) further that the Scheme does not provide sufficient local supervision and control of the School in accordance with the intentions of the founder, and the Vestry hereby resolve that, unless the Scheme be in these points further considered and amended by the Commissioners, that the Rector of Athlone, the Rev. K. S. D. Campbell, D.D., be authorized to appear at their behalf before the Privy Council, with such legal assistance as he may require, to oppose the passing of the Scheme in its present form, and to urge the claims of the poor Protestant inhabitants of the Town and Manor of Athlone."

"I remain, Gentlemen, yours most respectfully,  
"RICHARD S. D. CAMPBELL."

I would direct Dr. Campbell's attention to what we have done. In the first place, the Select Vestry might have mentioned that the Protestant inhabitants of Athlone have not had any rights at all for 130 years; they never had any special benefit from the Ranelagh Endowments, and, if their claims have been ignored, it is not our doing. Whatever the scheme does is in the direction of recognizing local claims, and this might have been referred to in the objection. There was a provision in Lord Ranelagh's original deed of 1708 for the foundation of two schools at Athlone and two at Roscommon, one for boys and one for girls in each town. From 1708 to the Act of 1 George III., 1760, nothing whatever had been done to carry out the trusts, and the Act of Parliament redited that, in the then present circumstances of Athlone and Roscommon, those four schools, if erected, would not be of much advantage either to the town or to the public. There was substituted for the deed, by the statute, a provision that there should be established in Athlone and Roscommon with proper accommodation two schools for the reception, maintenance, and education of as many poor Protestant boys and girls as the clear remaining income of the endowment would properly maintain and support under such rules and regulations as the Society should direct and appoint. The statute made no provision for the boys of Athlone or the girls of Roscommon, and the selection of the pupils has been ever since entirely at the discretion of the Society. We felt very strongly with Dr. Campbell that there was not as much attention paid at present to the local wants as there ought to be. Evidence was given before us that Athlone boys could not get into the Ranelagh School as free scholars, except as boarding pupils, and no amount of merit or of necessity on the part of an Athlone boy could get him any advantage from the endowment unless he won his way into the school by competition as a boarder, and charged the endowment with all the consequent expense, even though he preferred to live with his parents in the town. We thought that was wasteful and wrong, that there was no reason why a poor boy who wanted to go as a day boy should be forced either to pay or to compete for

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a boarder's scholarship, and we put in a provision that we thought would meet this:

If the inhabitants of any Parish Dissent or other locality in the District are entitled to benefit from any of the Special Endowments, by way of free places or places at reduced fees to be maintained in connection with the Foundation School of the District, the Governors shall, from time to time, make such arrangements as shall appear necessary or expedient to enable qualified candidates from the locality to compete for and to obtain such benefit according to the results of the Annual Examination to be held as aforesaid, and may fix the number or amount of the Scholarships to be awarded, and may declare the conditions of competition, in the District, accordingly."

I should have been better pleased, in their own interest—for personally I don't mind a bit—if the Select Vestry, instead of "most respectfully" talking of "legal assistance" and the Privy Council had simply done what the Act of Parliament and our notice on the Scheme told them, and given us the amendments which they wished us to consider.

Dr. Campbell.—I am quite prepared to propose several amendments.

2840. Lord Justice FREEMAN.—You got two meetings to do so, and a notice asking you to do so was endorsed on the draft scheme; but we will hear you now.

Dr. Campbell.—Athlone has certainly been somehow or other, by some carelessness in the Act of Parliament or some misinterpretation, done out of the benefits of an endowment specially provided for it, and as a matter of fact other persons have to do the work in Athlone that ought to be done by the Incorporated Society. I hold in my hand the opinion of a lawyer respected though he is dead and gone, Edward Pennington, and he says—

"I am of opinion that the children of the neighbourhood of Athlone are entitled to the preference, if indeed they have not an exclusive right to the benefit of these schools. I think this may be inferred from the use of the word 'consequently' on page 16 of the Act of Parliament, comparing the expression with the declared intent of the donor to provide for the instruction of poor Protestants in the town of Athlone, and a school that will be actually for the benefit of the said towns of Athlone and Roscommon that the funds should be wasted in the Incorporated Society."

Vestries are not good at drawing up resolutions, but what I want to submit is that you sit here as judges with power to correct a wrong. The poor Protestant inhabitants are not getting the benefit of the endowment that they ought to. It is quite possible for you to frame a scheme so that a grant should be made to maintain an elementary school in Athlone, or that the Bansagh School should be opened to poor children, as I think the donor of this large sum of money intended it should be, and if the boys of Athlone were taken into it some provision might be made for the girls.

2841. Lord Justice FREEMAN.—We have tried to do a great deal for you. The trusts of the Endowment are set forth at page 13. Under this Scheme the Incorporated Society will be bound, when offering places for

competition, to provide that Athlone boys shall be admitted to compete, and to come in, not only as boarders, but as free day boys. Further, they must have regard, in every case, to the amount of the endowments, general or special, available for the support of the school of the district, in fixing the number and amount of the scholarships.

Dr. Campbell.—What do you mean by district?

2842. Lord Justice FREEMAN.—The district is which the school is situated.

Dr. Campbell.—I want that it shall be restricted to the original intention of the founder.

2843. Lord Justice FREEMAN.—The original intention of the founder is not restricted to Athlone boys, the very opinion you have read in that they are to have a preference.

Mr. Coombs, a.o.—All these matters were gone into at the Commission of 1858.

Dr. Campbell.—I say the governors are leaving to me and others to do their work, the cream of the boys, the rich boys, are taken away by them and educated, and they leave me to educate the poor boys when it was the intention of the founder to educate.

2844. Lord Justice FREEMAN.—The Scheme endeavours to provide advantages for Athlone, and if you think it fails to do that sufficiently, you ought to suggest amendments, as others have done, instead of passing such a "destitutus fulmen" as this resolution.

Mr. Campbell.—The report of the Commission of 1858 says—

"A complaint was preferred in evidence before us as to the right of admission of boys into the Bansagh School, it was argued that the right was confined to the poor of Athlone, but that children were received from all parts of Ireland. It seemed to us, however, on investigation, that the complaint was without foundation. We ascertained that the Society had acted in this matter on the opinion of counsel so far back as June, 1829, to the effect that the children might be selected by the Incorporated Society from any locality for admission into the School on the Bansagh foundation, the trusts the Society are bound to carry out being those declared in the private Act of Parliament setting up the Bansagh Estate in them, and not those in the original deed of grant."

2845. Lord Justice FREEMAN.—That is all very well, but we want to recognise the intention of the Governor if we can, and he certainly wanted to benefit Athlone and Roscommon. If Dr. Campbell will send us any definite amendment in writing on Monday, I will consider it carefully and show it to Judge O'Brien. We are giving the localities a representation on the Governing Body, and we are directing them to have regard to local trusts, and to make provision for local children, I don't think we can do more, but we are willing to try.

Dr. Campbell.—I will send in the suggestion.

Mr. Boile.—I hope it won't be on the lines he has suggested, that the boys of the town should be sent indiscriminately, and without proper competition.

Lord Justice FREEMAN.—I am not inclined to injure the present efficient Intermediate School by turning it into an Elementary Poor School.

The sitting terminated.

PUBLIC SITTING OF THE JUDICIAL COMMISSIONERS—  
MONDAY, OCTOBER 22, 1894.

At the Four Courts, Dublin.

Present:—Right Hon. Lord Justice FITZGERALD, and Right Hon. Mr. Justice O'BRIEN.

The Secretary, N. D. MURPHY, M.A., was in attendance.

DRAFT SCHEME No. 144—THE ERASMUS SMITH ENDOWMENTS, and the Objections and Amendments thereto.

ADJOURNED SITTING.—JUDGEMENTS OF THE JUDICIAL COMMISSIONERS.

The following persons were present:—Right Hon. The Vice-Chancellor, Treasurer of the Board of Governors; Rev. the Vice-President of Trinity College; Rev. H. R. Poole, F.R.C.S., with Frank Brown, Esq., Registrar, and John Mountjoy, Esq., Solicitor, on behalf of the Governors of the Erasmus Smith Schools; James Henry, Esq., on behalf of the Intermediate Education Committee of the General Assembly; W. M. Jellett, Esq., Barrister-at-Law, on behalf of the Board of Trinity College, Dublin, and the Governors of the King's Hospital, Camartown; Rev. D. Humphrys, C.C.; Rev. Wallace M'Muilen, D.D.; Rev. J. H. Walsh, D.D.

Lord Justice FITZGERALD.—At the <sup>4</sup>close of the last inquiry which our Commission held concerning Erasmus Smith's Endowment, I stated that, if the Judicial Commissioners could not concur in framing a Scheme to be submitted for the approval of the Lord Lieutenant, we would appoint another occasion, on which we would publicly state the conclusions at which we had arrived, with such reasons as we might think it right to give. I added for myself that our position was a judicial one, that our opinions ought to be dealt with as judicial opinions, and that they should be expressed in a responsible and considered manner before the public.

Our duty and position on this occasion appear on referring to the procedure prescribed by our Act. We first held public inquiries in Dublin and at each of the principal Schools, and gave the governing body an opportunity of being heard, as directed by section 19. The Governors submitted a <sup>†</sup>Draft Scheme which section 20 directed us to take into consideration before preparing our Scheme. A majority of the Commission then prepared and published a <sup>‡</sup>Draft Scheme, under section 21, but it was accompanied by a protest from Dr. Treill, and by a statement from me that I was unable to accept it, and that it had been prepared without my concurrence, and against my opinion on several important points. It was also accompanied by observations from Dr. Melloy, qualifying his approval of it, describing it as, in some respects, open to grave objection, and explaining the grounds on which he had been able to concur in its publication. This Draft Scheme was met by seventeen objections and amendments, put forward, under section 22, by different parties interested, and at the expiration of the prescribed period for objections, we collectively held the last Public Inquiry in this court concerning the subject-matter of that Scheme. On that occasion the objections were fully heard, in person or by Counsel, by the Full Commission. No person appeared to support the Draft Scheme as it stood, and the meeting closed with the promise which I have read, and which it is now our duty to fulfil.

Section 23 enacts that, after the holding of such an inquiry,

"The Judicial Commissioners shall proceed to consider the objections made to them in writing respecting the Draft Scheme and any amendments proposed thereto. And thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and exhibit it for the approval of the Lord Lieutenant in Council."

This duty is imposed on the Judicial Commissioners alone, and the responsibility at this stage devolves entirely on us. Section 4 provides that every Scheme

submitted for the approval of the Lord Lieutenant shall be signed by both the Judicial Commissioners under their hands. Therefore, unless we both "think fit" to frame a Scheme, and agree upon some form of Scheme, which both of us think expedient, the endowment cannot be dealt with under the Act, and it must continue to be administered by the same authority as before, subject to the ordinary law and jurisdiction, and to the ordinary remedies, which are available to control the application of charitable property in general. Our failure to concur in framing a Scheme leaves things as they are; we may have failed to do good, we can have done no harm. But I hold myself bound to do all that lawfully can, nevertheless, to frame a Scheme in every case in which questions of principle are raised, so as to give the opportunity, which our Act affords, of bringing such questions to a decision before the Privy Council, and in Parliament. Schemes framed under our Act, when finally approved, have the force of statutes; they cannot reach that stage if the Privy Council, or either House of Parliament, disapproves of their provisions. And it is therefore, only where the violation of some vital principle binding upon my judicial opinion is involved, that I feel justified in refusing to sign a Scheme.

But we are Judicial Commissioners in title, issue, and duty. Before we sign any Scheme, we are bound to satisfy ourselves that it is just and lawful, as well as expedient, and if we think that it contains anything contrary to the special provisions of our Act, or to the principles which govern judicial action, we cannot sign it. It can scarcely be a matter of surprise that, in the wide range of our duty as this Commission, which has framed more than 200 Schemes, one case should have arisen—and it is the only case—in which we are unable to agree. But we have not differed upon any small point; it is not through the action of either of us, more than of the other, that we have failed to agree upon the mode of extending the benefits of this endowment. In fact I had hoped, until a very recent date, that not only the Judicial Commissioners, but all five of us, might have worked out a Scheme conferring wider and more practical advantages, upon the objects mentioned in the instrument of foundation in this case, than those that were offered by the Draft Scheme published by the majority, and that without depriving the existing Grammar Schools of any of their means of usefulness, and without doing violence to the intentions of the Founder. I am, therefore, not alone responsible for the failure to frame a Scheme, upon which the judgment of the Privy Council and of Parliament might have been taken and obtained, on all the claims which have been brought before us. But,

<sup>\*</sup> *Egerton, p. 22.*    <sup>†</sup> *Rep. 1893-4, p. 45.*    <sup>‡</sup> *Rep. 1893-4, p. 141.*    <sup>§</sup> *Rep. 1893-4, p. 172.*    <sup>||</sup> *Rep. 1893-4, p. 161.*

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unfortunately, difficulties arose before that point was reached which have proved insurmountable, and I can now only state the nature of those difficulties, our attempts to deal with them, and the reasons which have determined my own judgment in the matter.

The history of this Endowment covers 250 years. Since the original deed of foundation, it has been the subject of three Royal Charters, of several Acts of Parliament, and of the inquiries and reports of numerous Commissions. We have heard all the parties interested, at every stage and in every locality, and at great length. The Endowment is valuable, and the case raises most difficult, complicated, and important questions. It is, therefore, impossible for me to be brief, but I shall endeavour to confine myself to what is material, and, in order to ensure accuracy, and to do justice to myself and to those who are entitled to know and to criticise my reasons, I have written my judgment.

The Draft Scheme deals with an Endowment which is altogether of private origin—the single gift of an individual for charitable purposes. It was his to give or to withhold; he was entitled to declare the purpose and to prescribe the conditions of his bounty, as he pleased within the law. It was open to those whom he wished to benefit, to accept or to refuse the benefits which he offered, but they could not alter the Founder's terms. We have nothing here to do with public property or with public rights; we have only to administer the charity of a private person, according to his intention. Any neglect or violation of that intention is not only unlawful in itself—it is contrary to public policy and to the settled principles of jurisprudence.

The property consists entirely of land, or of money representing land, granted to Erasmus Smith as an "adventurer" in the Settlement which followed the troubles of 1641. He was born in 1610, and his first adventure in Irish land was in 1642. From that time until his death, he was actively engaged in Irish affairs. He took the side of the Parliament in the Civil War, and he received large grants of land in different parts of Ireland, of which the School Endowment is only a portion. The names of which the tenants and inhabitants were entitled to special advantages under his Foundation, are to be found in nine counties—Tipperary and Limerick, in Munster; Meath, Westmeath, Kildare, King's County, and Leath, including Drogheda, in Leinster; and Galway and Sligo, in Connacht. It has been suggested that Erasmus Smith was in some way coerced to impose the conditions which he attached to the enjoyment of his endowment—in other words, that he was an unwilling agent in imposing a religious character upon his Foundation. There is no evidence whatever to sustain this view, and we have certain contemporaneous records to contradict it, from 1657, the date of the first deed of Foundation, to 1691, the date of his will and death. This period extends from the Commonwealth, through the whole reign of Charles II., and the whole reign of James II., well into the reign of William and Mary; and, during all the political and religious changes of that troubled time, I can find no "shadow of turning" in the aim of Erasmus Smith, nor any attempt to insist upon the observance of the conditions which he imposed upon the acceptance of benefit from his charity, nor any vagueness in the statement of his intention.

I propose to consider two questions—First, what was his intention; secondly, how far are we bound now to regard it? The first question depends on the documents relating to the endowment during his lifetime; on the second question I shall refer to what has been done since his death by the Crown, by Parliament, and by previous Commissions, and to the proceedings of our own Commission. It will then only remain to consider, as our Act requires, our own Draft Scheme, the Draft Scheme submitted by the Governors, the objections made, the amendments proposed, and lastly, the proposal which I made for the settlement of a scheme.

In my judgment, the first and paramount intention of Erasmus Smith was to establish a fixed number of Grammar Schools, in localities appointed by himself, and to give combined religious and secular education to all who were willing to receive it—those pupils of the school who were poor, children of his tenants, or inhabiting any of his lands in the nine counties I have mentioned, being entitled to special privilege, and to preference in free schooling, clothing, advancement to the University, and other advantages. But it was a vital, essential, integral part of the education offered, that it should include Protestant teaching. In his own words "his end in founding the schools was to propagate the Protestant faith according to the Scriptures." Such an intention is lawful; and the propagation of their own religious views has ever been a leading motive with founders.

It follows that, if we are bound by his intention, we must provide for the maintenance of his Grammar Schools, under Protestant government, with Protestant Masters, as places in which Scriptural instruction shall be given by Protestant teachers.

The Endowment has increased in value beyond the needs of the Grammar Schools. Erasmus Smith indicated his intention of applying the surplusage to certain subsidiary objects with less strictness, and his Scheme had been framed which first completely secured the maintenance of the Grammar Schools, and made adequate provision for the advancement of the pupils of those schools at the University and otherwise, in accordance with the founder's intentions. I should have been prepared, even at some risk of being charged with inconsistency, to have applied the surplus funds to technical and agricultural education, from which the tenants and inhabitants of the estates might have reaped substantial benefit, without raising any religious difficulty. But the Draft Scheme destroys the Protestant character both of the governing body and of the Grammar Schools, and the disposal of the surplus is not now open for settlement.

The question of paramount intention must be discussed upon the instruments of foundation. To prevent misapprehension, I premise that I now discuss them chiefly in their bearing on the religious character impressed upon the endowment, and so far only as it is applicable to the Grammar Schools.

\*The first deed of Foundation, of December 1st, 1683, contemplated the establishment of five Grammar Schools at Sligo, Galway, Tipperary, Dundee, and some other place where he might get land not yet assigned. In these Schools, he desired that the poor children inhabiting any part of his lands in Ireland should be brought up in the fear of God, and good literature, and to speak the English tongue, and afterwards advanced to the University. Any surplusage might be employed for the maintenance of five schools, on any part of his lands in Ireland, for teaching the English tongue. He reserved the first nomination of Schoolmasters to himself, and he declared his intention that religious instruction should be compulsory, by providing that the Schoolmasters should be obliged, twice every day, to pray with the Scholars, to punish each of them as should, without good cause be absent from the exercise of prayer, and to catechise them once every week, on some week-day in the Catechism of the Assembly of Divines, which Catechism the Trustees were to provide for the Scholars whose parents were poor and inhabitants on his estates. The Schoolmasters were also to catechise the Scholars on every Lord's Day, and publicly to expound the Catechism, as well for the benefit of the Scholars, as for the instruction of all others who should desire to be present at that exercise, in the school-houses or in the Church. The Trustees were all Protestants, and were to be continued by co-option. This deed contained a power of re-entry in the event of their failing to obtain incorporation within seven years; this was not done, but the Acts of Settlement

\* Eng. 1885-8, p. 448.

show that the Trustee remained in possession, and that Erasmus Smith did not alter his charitable bequest. On November 2d, 1667, he obtained the first Patent from Charles II. to carry it out.

This Charter of 1667 is granted on the Petition of the Trustees, presented for and on behalf of Erasmus Smith, for settling the lands for charitable uses. The Trustees are incorporated to hold the lands upon trust to pay an annuity of £50 to Christ's Hospital, London, to employ a further annual sum of £50 in maintaining five schools, for teaching poor children of both sexes to speak and read English, in such places in Ireland, and in such other charitable uses, as Erasmus Smith should appoint, then to employ one-fourth part of the remaining rents towards building, and towards placing poor men's children to be apprentices to trades in Ireland, with Protestant masters, and towards clothing poor Scholars in the Grammar Schools. Next to build by three school-houses, and masters' dwellings, in Galway and two other places to be fixed by Erasmus Smith, and for ever to keep a Schoolmaster in each of these three Grammar Schools, to be nominated, directed, visited, placed, and, upon reasonable cause, displaced, by Erasmus Smith during his life, and afterwards by the Trustees, and to be also licensed and approved by the Archibishop or Bishop of the Diocese where the school should be erected—they subscribing the two first Canons of the Church of Ireland, and to be visited according to such rules as should be made by Erasmus Smith, by writing during his life, and after his death by the Trustees.

It has been argued that the religious restrictions were inserted only in obedience to the Law. That is so. The power of personal visitation by the Founder was a special privilege, and though the license of the Bishop and subscription of the Canons were prescribed by Statute, the argument cannot apply at all to the provisions for the religious instruction of the Scholars. The Trustees must provide that the Schoolmasters shall catechise their Scholars, in the Catechisms to be provided for those that are poor by the Trustees, and shall also, publicly, in the school or Church, every Lord's Day, catechise the Scholars, and expound the Catechism, as well for the benefit of the Scholars, as of all others who shall be then present, and, to the end that inhabitants may know the intent and use of the Schools, the Schoolmasters are required, under pain of forfeiting their place, to keep in every school, publicly, a copy of the Letters Patent, and to read such parts thereof as concern the Schools, exhibitions to poor scholars, placing of others to be apprentices, and doeling of poor children, once a year, "in full assembly in the Parish Church or Schools in the parish wherein the Schools do stand."

This Charter was superseded by the instrument of Foundation which has ever since been in operation—the said Charter of Charles II., of March 26, 1669. Its object was to settle a more liberal maintenance upon the Schoolmasters of the Grammar Schools, to make provision also for clothing and apprenticing poor children, and to continue and settle some lands which, at first, were intended to be a perpetual revenue for maintenance of three Schools, and for carrying on other public and charitable uses. It is granted on the petition of Erasmus Smith himself. It leaves the erection of one free School in Drogheda, another in Galway, and a third in Tipperary; these Schools are its first object; they were soon afterwards formed under its provisions, and they are still in existence. Each School was to teach twenty poor Scholars living within two miles, and also the children of tenants at whatever distance they might dwell, according to the true intent and meaning of the Founder. Provision is made, however, for receiving paying pupils. Erasmus Smith during his life, and, after his death or during his absence, the Governors and their successors for ever, are to place therein each poor Scholar not exceeding twenty, besides the tenants

children who are not to be limited in any number, as they deem convenient. The Schoolmasters and Ushers are to teach Grammar, the Latin, Greek, and Hebrew tongue, and to fit the Scholars for the University. Thirty-two persons, all Protestants, are incorporated as the Governor, the Archbishops of Armagh and Dublin, the Chancellor, the Chief Justice, the Chief Baron, and the Provost of Trinity College, are Governors ex-officio, and the number of thirty-two is to be kept up by co-option. Erasmus Smith during his life, or the Governors, are to nominate all the Masters, Ushers, Scholars, and Officers of the Schools. Every increase of revenue is to be employed in the maintenance of more and other Scholars to be placed in the Schools, or to the augmentation of the allowances of the persons in the Schools, subject to the provision for the employment of the surplusage thereafter mentioned. Erasmus Smith is empowered during his life to visit, direct, place and dispense the Schoolmasters, Ushers, and Scholars, and to make Rules and Ordinances in writing, and to authorise the Governors so to do, which are to prevail so as they be not repugnant to the Prerogative Royal, nor contrary to the Laws and Statutes of the Realm of Ireland, nor to any Ecclesiastical Canons or Constitutions of the Church of Ireland. The Archbishops and Bishops are required to license the Schoolmasters nominated by Erasmus Smith or the Governors, if they subscribe the two first Canons of the Church of Ireland, and all persons placed in the schools are exempt from the visitation of the Ordinary of the Diocese, or by any other person except Erasmus Smith during his life, and the Governors afterwards. The surcharge payable to Christ's Hospital is increased to £100 a year, the rest to go to the Schoolmasters until the rents exceed £300 a year, when the surplus is to be bestowed upon repairing and beautifying the Schools, in paying Ushers, in paying a Hebrew Lecturer in the College of Dublin, one moiety of the residue partly in binding out poor children to be apprentices under Protestant masters, partly towards clothing poor Scholars in the three Grammar Schools, and the other moiety to be applied to such other charitable uses as Erasmus Smith, by deed, writing, or will, should appoint.

I cannot find any mention of English Schools in this Charter, and I believe there is none.

To emphasise the intentions of the Founder, the Charter closes with rules made by him, which are introduced by the following preamble:—

"Although the power given to the Corporation to make bye-laws from time to time may enable them to make wholesome orders for regulating the charitable uses and the revenue for the maintenance thereof, as also the persons to be hereafter employed in or about the premises, yet to the end the good and pious intentions of the Founder may in all things be preserved as much as is possible, we have also thought fit, at the humble petition of the said Erasmus Smith, to signify and declare further that we do well approve of these rules, orders and constitutions following."

I shall read them in a moment. The validity of the Founder's rules thus introduced is perpetuated by the following clause at the end of them:—

"The Governors or their successors shall not have power to make any Law or Ordinance after the death of Erasmus Smith, that will make void, suspend or weaken the same laws, rules, ordinances, or orders constituted by Erasmus Smith or any branch or circumstance thereof; which asters, &c., shall always remain and be in their full force and virtue for the governing and ordering of the said Schools and works of charity."

These orders provide, *inter alia*, as follows:—

"The Masters and Ushers shall wholly attend upon their Schools. They shall take no money for teaching any of twenty poor children living within two miles of the school; nor of any other children of tenants or inhabitants upon the lands of Erasmus Smith, his heirs or assigns, or any other lands which may belong to the Corporation, howsoever near such children shall be and at what distance sever from such Schools they shall happen to dwell."

¶ Rep. 1891-2, p. 184.

¶ Rep. 1891-2, p. 185.

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\* Also the Master shall teach all such children as shall be found capable to write and cast accounts; and, moreover, shall instruct them in Greek, Latin, Hebrew, and fit them for the University, if their parents or friends shall so desire.

"Also the said Mastershall daily, once every week, on each Lord's Day, catechise their Scholars, and for that purpose shall make use of the Catechism set out by the late James Usher, Lord Archbishop of Armagh, Lord Primate of All Ireland, and shall spend some time in expounding some part thereof unto them.

"And if any of the Masters shall neglect any of the rules aforesaid, it shall be held to be a just cause for removal of such Master, unless the Governors shall in their discretion think fit to provide the neglect some other way."

Erasmus Smith exercised the power conferred by the Charter of making rules for the Government of his Schools.\* These laws contain further specific directions as to religious instruction, and inter alia the following:—

† None are to be admitted Schoolmasters but such as are of the Protestant religion. The Schoolmaster, and, in his absence, the Under shall publicly every morning read a chapter out of the Canonical Scripture and then pray, concluding at night also with prayer, this to be done in the English tongue, that all may be edified; they are to urge the children, frequently to read the scriptures, and at convenient times to require some account of what they read according to their capacity, and that the measure of them be able readily to give an account how many books and the order in which they stand, as also the number of the chapters in each book, both of the Old and New Testament. The wedlockness of children is such that many times variety of Catechisms confounds their understandings, and the Lord Primate Usher's Catechism being specially commendatory to those Schools in the Charter, the Masters are diligenter and constantly to catechise them in that form, and on the Lord's Day, before or after public worship, to expound the same or parts thereof unto them as also at other convenient times."

With the framing, the publication, or the enforcement, of those supplemental rules, the Government or the law is in no way brought into privity; they are the spontaneous act of Erasmus Smith himself exercising the power, which the Charter conferred upon him, of laying down rules which no one could afterwards vary or suspend.

At this point I ask what was the paramount intention of Erasmus Smith? To my mind it plainly was the foundation and maintenance of Grammar Schools, in which education was to be given free to a limited number of poor children, and to an unlimited number of the children of tenants and inhabitants of his estates, but to which paying pupils were also to be admitted. But the education which was to be provided for all the pupils was to be the same, and all alike were free to accept it or not. It was to include the higher grade of secular education known as Grammar School teaching, but it was not to be secular teaching only, it was not only to be instruction given by Protestant masters, under the control of a Protestant Founder and Governors, but it was to include regular teaching and exposition of the Protestant Religion, and no Scholar, whether the child of tenant inhabitant or stranger, was to receive secular instruction only. It is not enough for our purpose to say that particular children were the objects of the Founder's bounty, or that education or educational advantages were provided for children of a particular class; we must see also what the bounty was, we must see what the education or educational advantages were. The whole history of his life shows that Erasmus Smith was an earnest Protestant, that it was his intention to propagate his own faith by means of his Schools, that the only bounty which he ever offered to anybody was Protestant education. The advantages of such education only can be claimed under section 13 of our Act, and those who cannot accept those advantages, have no privileges at all under the Foundation. The child of a tenant who cannot conscientiously accept this bounty, cannot alter it by refusing it; he cannot reject the

condition upon which the bounty is offered, and thereby entitle himself to take it absolutely and as of right. This, as it seems to me, is the whole foundation and fallacy of the argument for the Roman Catholic tenants in this case, as far as they claim any benefit from the Grammar Schools or their Endowment. This would be my judgment on the instruments of Foundation alone, even if we had nothing to consider in the subsequent action of Erasmus Smith. But we have more. We have, as it appears to me, the very issue raised, we have it palpably and unequivocally decided, by Erasmus Smith himself. The proof rests upon a document so conclusive that the only answer to it which was attempted by the tenant's most persistent advocate here, was the wild suggestion that it was a forgery.

Rev. D. Humphry.—I suggested another, my Lord.

Lord Justice FitzGibbon.—The original minute-book, by which this document is proved, shows that Erasmus Smith was in constant communication with the Governors as long as he lived. He appointed Masters, he directed the action of the Governors, and he personally managed the Schools. Even during the reign of James II., he acted in the same way; the Governors did nothing of importance without consulting him, they were bound by the Charter to obey his directions, and they sought them upon every occasion. There were several entries showing that the number of Roman Catholic pupils admitted to the schools fell short of the Founder's expectations, and also entries showing that some of the Masters, probably in hope of increasing the attendance, were not strict in enforcing the rules as to Religious Instruction. Erasmus Smith appointed Elizab Coles to be master of the Galway School, he apparently would not receive children who were Roman Catholics, but Erasmus Smith ordered—

"That he should be written to, that he do not refuse to receive into the school the children of the Biscoder's house, though their children be Papists, so that they conform to the rules of the School."

Presumably they would not come on these terms, and the Governors in Ireland appeared to have desired to relax the obligation of conformity, rather than empty the schools. They visited the Schools at Drogheda and Galway and found that—

¶ There were but very few children taught there by reason that other Schools are permitted in those places, and the those who are of the Popish Religion will not suffer their children to be educated in those Schools, nor by the Schoolmasters, which seems a disengagement to them, and will in a great measure render as well the charity of the Deuce as the one in setting and maintaining Schools inefficient, if it be not soon prevented."

The Governors then wrote to Erasmus Smith and he declared his mind on the subject in the following reply—

"London, June ye 6th, 1688.

"My Lords and Gentlemen,

"I have received your letter, dated May 23rd with a copy of the report concerning the present state of the Schools at Drogheda, and am very sorry you have been put to see much trouble. I give you my humble thanks for your careful inspection of the Schools, and especially that of Drogheda. The letter following was written before the receipt of yours, which I now humbly present unto you, as doubtless but it will be satisfactory to your honours &c & will be to myself if followed.

"My end in founding the three Schools was to propagate the Protestant faith according to the Scripture, avoiding all superstition, as the charter and the bye-laws and rules established do direct. Therefore it is the command of His Majesty to catechise the children out of Prince Usher's Catechism, and expound the same unto them, which I humbly desire may be observed upon the penalty of forfiting their places.

"Now that the Scholars educated in these foundations may be encouraged, I humbly request that it may be communicated to the Provost and Fellows of Trinity College, Dublin, to present to your honour one fully qualified according to the

\* Rep. 1884, Vol. 2, p. 300.

† First Constitution, p. 457.

‡ Rep. 1884-5, p. 207.

§ Rep. 1884-5, p. 208.

Christian laws and rules to officiate in the room of Mr. Scott, late schoolmaster at Drogheda, giving preference to those that have been educated in those schools, that others educated upon the same foundation may be encouraged to present themselves worthy of similar choice; if none among them be qualified I leave it at large, and as I find their antecedent character I shall be encouraged to trust them for the future. I desire the charter may be abridged so as to give both concern the privilege both of Master and Scholar, and the laws and rules added thereto, and that a copy may be fairly written thereof, and hung up in the most publick place in every School, that neither Master nor Scholar may pretend ignorance.

"My Lords, my design is not to reflect upon any, only I give my judgment why those Schools are so *consumptive*, such was, and is, and will be (if not presented) the many Popish Schools their neighbours which as success do share the fate. If parents will exclude their children because prayer, catechism, and exposition are commanded, I cannot let it, for to remove that bane is to make them seminaries of Popery. Therefore I beseech you to command him that shall be presented and approved by you herein to observe that declineth those duties and expell them, which will do.

" My Lords and Gentlemen,

" Your most humble servant,

Erasmus Smith."

If we are bound by Erasmus Smith's parliamentary condition, and if we have to determine whether the intent to inculcate Protestantism, or to teach the English children must prevail, how could the question be more sharply put, or the answer be more synthetically given, than in that letter? He states it end in founding the three Schools to propagate & Protestant faith, he insists upon his own rules, and he supports his own desire that they may be observed, by giving it as the command of His Majesty that the children shall be catechised, and have the Catechism expounded to them. If parents will exclude their children because prayer, Catechism, and exposition are commanded, he cannot help it, and he prefers to see the Schools "consumptive," rather than to "make them seminaries of Popery," by removing the bar of compulsory Protestant teaching. Finally, he commands the newly-appointed Master to observe these duties, and the Governors to expel them that decline those duties.

But the same letter shows also that, even under the laws of that time, Roman Catholic children were not without means of education; then, as now, they had Schools of their own denomination—the greater the difficulties, the greater the credit is having them—which then, as now, they attended, in preference to institutions which offered them Protestant teaching.

The whole case of the Grammar Schools is there in a nutshell. Lay aside every consideration of the滔天 inequality, and the sectarian legislation of the day, and those who can not or will not accept instruction upon the Founder's conditions, cannot now have any moral or equitable claim to the benefit of his endowment, which they would not then have had to eke out his schools against his will. The instruments of foundation put it equally beyond doubt, that the three Grammar Schools themselves were the primary objects to which the endowment was dedicated. The three Grammar Schools are in useful operation, though, as has happened with countless endowed Schools from Harrow down, the pupils are not of the class designated by the Founder. Free places are open in each of them; each is attended by pupils from its own neighbourhood, as well as by workers from a distance. The records of the Intermediate Examinations, and of Trinity College, show that these schools fill a large place in the Grammar School education of Ireland, and they ought not to be interfered with, unless their present usefulness can only be maintained by continuing some breach of trust which we are bound to stop.

\*Quoted *sicra*, p. 51, Q. 202.

But I find that Parliament, the Crown, and Commission after Commission have recognised and sanctioned their existence as exclusively Protestant schools.

On July 12, 1712, the Governors made further Rules "to prevent youths admitted in the free Schools of Erasmus Smith from turning Papists." The Rules prescribe morning and evening prayers, in each of the Schools, by the Master or Usher; out of the Liturgy by Law established, at which every youth shall be obliged duly to attend; that every youth admitted in the Schools shall be instructed by the Master or Usher in Dr. Maren's Catechism, and upon Sundays shall be properly examined in the same in the church, and shall duly attend the public services in the parish church where the School is situated. Upon neglect thereof, after due admonition, to be expelled the School. Lastly, that every person so educated, when sufficiently instructed in the aforesaid Catechism, shall be brought by the Master or Usher to the Bishop to be confirmed. This last clause was an innovation.

In 1723, by the Act of 10 Geo. I., Parliament provided for the application of the surplus rents, it sanctioned an application, which the Governors had made, to support thirty-five poor Scholars in Trinity College by exhibitions, it enabled the Governors to pay two Lecturers and three Fellows in Trinity College, and it provided for building chambers in the College, which Erasmus Smith's pensioners should enjoy free, and it established a connection between the King's Hospital, Dublin, and Erasmus Smith's Board, which continues to the present day, by applying a portion of the endowment to erect a building for the reception of forty boys, and enabling the Governors to place twenty pupils in the Hospital. It enacted that the Lord Mayor, Recorder, and two Aldermen of Dublin chosen by the Governors of the Hospital should be Standing Governors of Erasmus Smith's Schools, and that four of the Governors of the Schools should be Standing Governors of the Hospital. This provision has a potent bearing on the religious question, in view of subsequent legislation as to the Lord Mayor and Aldermen, and in view of our own decision that King's Hospital is exempt from our compulsory jurisdiction, because in the words of sec. 7 sub-sec. 5, it is—

"An endowment applicable and provided exclusively for the benefit of persons of a particular religious denomination, and which is under the exclusive control of persons of that denomination."

Erasmus Smith's Endowment escaped this exception only because the Governors are not now exclusively Protestant.

The Municipal Corporations Act, 3 & 4 Vic. c. 106, sec. 14, when opening the Corporation of Dublin to Roman Orthodoxy, repealed the provisions of 1723 as to the Lord Mayor and Aldermen, and enacted, instead, that four other Governors of King's Hospital selected by the Governors of Erasmus Smith's Schools, should be appointed in their place.

This Act of 1723 empowered the Governors, from time to time, to dispose of the surplus rents towards some public work or use in Trinity College or King's Hospital, in putting out poor children to School or apprentices, or in setting up English schools in any place or places in the kingdom as the Governors should think proper. At the date of this Act, "English School" had a technical meaning, and the Schools established under it have always been Protestant Schools, of the same character as those of the Incorporated Society for promoting English Protestant schools in Ireland, for which we have unmercifully framed a Scheme on the basis of its being an exclusively Protestant institution, although it was founded for the education of "the Popish and other poor natives of Ireland."

\*Rep., 1885-6, p. 398. Town Com., p. 482.

In 1782 and 1783 statutes were passed extending the Governors' powers of leasing and of managing the Endowment.

The Commissioners of 1791, while observing that the "Erasmus Smith foundation, though originating in the intention of a private individual, might nevertheless, from the repeated interpositions of the Legislature and the Crown, be considered as a public institution, reported that the trust had been exerted with fidelity to the intention of the Founder, and that the three Grammar Schools were in a flourishing state. What was meant by a "public institution" in this Report will appear from that of 1835-8.

The Commissioners of 1807 reported that the allowances to the Masters of the Schools should be increased. In 1813, Erasmus Smith's Schools, with "The Protestant Charter Schools and the Parochial Schools," were expressly exempted from the jurisdiction of the Commissioners of Education, and the exemption was confirmed by the 43 Geo. III., c. 107, sec. 2, and 2d Geo. IV., c. 19.

On July 27, 1833, William IV. granted to the Governors a further Charter confirming the Charter of 1809, save where altered, and providing that the Treasurer's poundage on the rents, previously paid to him for his own endowment, should be set apart and form a fund, to be applied in such manner as the Governors should from time to time direct, and power was given to the Governors to increase the number and emoluments of the teachers in the Grammar Schools.

The Select Committee of the House of Commons, appointed, in 1838, to inquire into Schools of public foundation in Ireland, which sat until 1838, and of which William Smith O'Brien, Morgan John O'Connell, and Montague Belgrave, were members, reported as follows on Erasmus Smith's schools—

"It may be a matter of question, whether these schools should be considered private or public, they are undoubtedly of private foundation, but from the frequent interposition of the Legislature they may in great measure be regarded as public institutions."

But they showed what this meant by adding—

"At their foundation and since, the schools have been strictly confined to Protestants . . . the administration of the funds and the entire regulation of the schools is vested wholly in the hands of trustees under the name of the Governors of Erasmus Smith's Schools."

In their recommendations,† this Committee did not propose to interfere with Schools of this class, established and maintained by the voluntary contributions of benevolent individuals, and "unless they received public grants" they recognised their "claim to exemption from all Government and Parliamentary control over their administration."

The Commission of 1838, which held the most minute inquiry into all the Endowed Schools of Ireland extending over four years, reported that at that date the net income of the Governors was £3,162; they represented the condition of the Schools, and the management of the Endowment, as in some respects not satisfactory, the Governors were charged with having neglected the Grammar Schools which were the original object of the Endowment, and departed from the intention of the Founder in their management. The non-observance of the rules as to religious instruction, and the permission given to Roman Catholic pupils to absent themselves from religious instruction, were described as "a neglect of the primary trust of the Grammar Schools."

If circumstances could have ever justified an alteration of this primary trust, by relaxing the religious restrictions, those of 1838 would have suggested it, but the recommendations of the Commission were the very opposite. They include the following—

"The Governors should give their Grammar Schools an efficient footing, they should carry out the directions of the founder as to religious instruction, and increase the

value of the exhibitions attached to the schools, they should draw up instructions for the masters as to free places, the course of instruction, the charges for day scholars and boarders, and other matters of importance, and should also appoint a competent inspector to examine the schools. They ought also themselves occasionally to visit the schools in compliance with the charter, in order to ascertain that the trusts of the Charity and their own orders are carried into effect."

But the Commission went a great deal further; they placed the Schools and Endowments under the Governor of Erasmus Smith's Schools, in the class of Exclusive Schools, and they defined Exclusive School as "those into which pupils of only one religious persuasion have a right of admission, or the trustees of which, being of one religious persuasion, have power to compel all the pupils to receive religious instruction in their own seats."

This Commission proposed to appoint a "Board" to supersede the Commissioners of Education, but they recommended that "as the proposed Board would be a mixed Board, their jurisdiction should not extend to Exclusive Schools."

That report was signed by Baron Hughes, who represented the Roman Catholic interest upon the Commission, and whose opinion carries the weight due to the position of Solicitor-General, which he held at the time.

The Powell Commission of 1870 included Lord Dunraven, Lord Morris (a pupil and a Governor of Erasmus Smith's Schools), and a Roman Catholic, Sir Robert Kane, Mr. Dasey, Dr. W. K. Sullivan, and Mr. Waldron. As to Erasmus Smith's Schools, stating that the benefits of the foundation was designed for the sons of tenants and sub-tenants in the estate, and for poor children in the neighbourhood, they say—

"About the exclusive religious character of these schools in the mind of the founder there is no room for doubt."

They state that the rules regulating religious instruction render the English Schools unsuitable for the majority of the Irish people on the ground of conscience, they recommend the closing of these schools, because the National system now provides all parts of Ireland with the means of primary education, and they recommend that the funds shall be devoted to secondary instruction which the Erasmus Smith Endowment was designed to supply, but they make no suggestion that the Schools can be made available for Roman Catholics.

[Lord Randolph Churchill's Commission of 1872 was the precursor of our own, it reported that "the intention of Erasmus Smith was to found Schools essentially Protestant in character," that, since the appointment of the Vice-Chancellor as Treasurer in 1872, most of the defects noticed in the report of 1838, had to a great extent been remedied, they refer also to the fact that Roman Catholic boys attended the Schools, that the Headmasters did not insist on the rule as to religious instruction being carried out with respect to children whose parents objected to it, to the extent that "the intentions of the founder were not carried out." The Report contains a finding of importance when we come to the Draft Scheme later.

"We met but very few instances of non-exclusive Endowed schools where the attendance of children of one denomination did not largely preponderate, and owing to the objection of Roman Catholics to mixed education and to the mode in which the majority of the non-exclusive Endowed Schools were managed, we found that the benefits of such schools were usually enjoyed by Protestant children, and that the management of these endowments had generally passed into Protestant hands."

On this occasion also, the Roman Catholic interest was represented by Mr. Richard O'Bryan, a Barrister, and Member of Parliament for the city of Limerick.

\* Rep. 1808, p. 45. † Rep. 1838, pp. 8-23. ‡ Rep. 1848, p. 233. § Rep. 1838, p. 481. || Rep. 1838, p. 72. ¶ Rep. 1838.

This review of the history of Erasmus Smith's Endowment, from the date of his death to the date of our Commission, justifies the assertion that, throughout the whole of that time, the paramount intention of the Founder to propagate the Protestant faith, and its exclusively Protestant character of his Grammar Schools, have been repeatedly and consistently recognised by the Crown, by Parliament, by Royal and Parliamentary Commissions, and have never once been questioned. Unless there is something in our Act to reverse all this, it is too much to expect this Commission to frame a Scheme that will have that effect. If such a change were to be made under our Act, it should at least originate in a declaration of the Privy Council, or a resolution of either House of Parliament, addressed to a Scheme presented on the basis of things as they are.

I have now to recapitulate our own action. Having received the Draft Scheme from the Governors, we held a "Public Sitting" on May 10, 1886, by way of preliminary inquiry, at which Mr. Carton appeared for the association of Catholic Headmasters of Ireland, and put before us the views of that association, representing themselves, and also representing the Catholics of Ireland, with reference, first, to Erasmus Smith's foundation, and afterwards, to the Endowments of the Incorporated Society. On the same occasion Mr. Shaw appeared for the Presbyterians, Dr. Webb for the Methodists, and the Independents were also represented.

In the following year, we visited Ulster and held an Inquiry at Drogheda, receiving a memorial from the Catholic inhabitants of Drogheda, and hearing their views put forward by the Rev. John Woods.

In 1887 we went to Munster; the Vice-President of Killaloe Diocesan College was heard for the Roman Catholics at Bantry, and presented a memorial stating their claims.

Canon Mahanah, the Vicar General of the Roman Catholic Diocese of Ardagh, presented, at Athlone, the Roman Catholic claims to the Endowments both of the Incorporated Society and of Erasmus Smith, and at Tippenny, the Rev. David Humphreys appeared for the first time before us. Being asked whether the Catholics had any claim upon the Erasmus Smith Endowment, he answered: "I cannot say, I don't know the history of the Endowment." He did not know that Erasmus Smith stated that he intended the foundation to be available for the benefit of children of tenants on his estate; he thought there were some of the estates at Ools and some about Thurlies, and he said he would be most happy to look into it, and see whether the Catholic tenants were entitled to any benefit from the Endowment, on which Lord Justice Neish informed him: "We held an inquiry in Dublin as to the origin of the Endowments and the claims upon them, and the Catholics were represented before us on that occasion." To which I added: "And we are obliged to settle our Scheme in accordance with the Founder's intention."

I mention this, not in any way to make little of the arguments and the information since put forward by Mr. Humphreys, but only to show the origin of the demand made by him against the Endowment, and that the information upon which he relies was first supplied by him at the suggestion of a member of our Commission.

In 1888 we visited Sligo and Galway.<sup>4</sup> In Sligo a claim was put forward on behalf of Protestant tenants by Mr. William Clark. At Galway the Roman Catholic was professionally represented by Mr. McDowell, who confined his remarks to what particularly related to Galway, and did not enter into the general question, because we had had sufficient discussion of that already, in which Lord Justice Neish remarked "it was very fully argued before us in Dublin."

After these inquiries upon full notice to everyone concerned, we proceeded to consider the preparation

of a Draft Scheme. On November 9, 1889, the principles of a Draft Scheme were discussed, and the Secretary was directed to prepare a Draft Scheme upon the following basis:—

"1. That it is an endowment of private foundation, and therefore the Scheme must have regard to the Founder's intention. 2. That in the opinion of the majority of the Commissioners, having regard to those intentions, the Governing Body should be exclusively Protestant, subject to a question to be further discussed as to the admission of various denominations of Protestants to the Governing Body."

Dr. Molloy dissented, and therefore the majority of the Commission is referred to. This was not in any sense a decision of the question: it would be contrary to our duty, as Judicial Commissioners, for either of us to bind himself, upon the publication of a Draft Scheme, in any way which could prevent him from afterwards considering the arguments to be presented upon the hearing of objections. But it was a considered expression of the prima facie conclusion at which we had arrived, after hearing all the arguments, and ascertaining all the facts brought before us, and considering, as we carefully did, the legal principles and authorities, of which my lamented friend, who twice held the office of Lord Chancellor, was a master. I shall presently quote his judgment upon the question whether those principles and authorities bind this Commission.

In that conclusion he concurred with me. Nothing that I have heard since has changed my opinion, and at the least, I do think that the preparation of the Draft Scheme should have been allowed to proceed upon the basis then laid down.

These directions were reported by us to the Lord Lieutenant on November 15, 1890, and our Report containing them was laid before Parliament. No attempt was made at any time since, except by or through the Rev. Mr. Humphreys, to assert the Roman Catholic claims. None of those parties or counsel, representing Roman Catholic interests, who had appeared at the preliminary inquiries, has since come before us. This again I mention only to show the absence of any general or authoritative assertion of those claims.

The circumstances under which the basis of the Draft Scheme was altered, appear in our Report of 1891. On January 14, 1890, Lord Justice Neish placed the following memorandum upon our minutes:—

"On proceeding in October last to consider the case of Erasmus Smith's endowments, both the Judicial Commissioners were of opinion, subject to the result of any further discussion which might take place on the public hearing of objections to the Draft Scheme when published, that the Endowments in question were of private origin, that it was the intention of the founder that the schools and their government should be Protestant in their character, and that the Draft Scheme should be settled on this basis. The Rev. Dr. Molloy, one of the Assistant Commissioners, did not think that the Endowments should be treated by the Commission as intended exclusively for the benefit of Protestants. The Judicial Commissioners also found that there was another vital question in connection with the Endowments, viz.—Whether the Governing Body of the Endowments was to consist exclusively of members of the late Established Church, and it appeared certain that this question would give rise to objections which should be heard and determined by the Judicial Commissioners. Under these circumstances Lord Justice Neish, who found himself from ill-health unable to continue to act on the Commission, considered that he ought not to proceed further with the settlement of the Draft Scheme, as he would not be able to take part in the determination of any matter of objection set out in the final settlement of the Scheme. He therefore felt that it would be more proper to leave the entire matter to be disposed of, and the Scheme to be finally settled, by the Commissioners who would have charge of it all through. The consideration of the Scheme was therefore adjourned, and Lord Justice Neish continued to act for such further short space of time only, as enabled the Commission to dispose of both Draft and Final Schemes as had already been substantially settled."

The whole of that minute is in his own handwriting

<sup>4</sup> Rep. 1887-8, p. 78. <sup>5</sup> Rep. 1891-2, p. 17. <sup>6</sup> p. 42.

<sup>7</sup> Rep. 1889-90, p. xiii.

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The next step appears in our Report for the following year. The following is the minute:—

"The principles on which a Scheme should be prepared for Erasmus Smith's Endowments were discussed. The following resolution was moved by Mr. Justice O'Brien, and seconded by Professor Dugherity:—That a Draft Scheme be prepared on the basis of a neutral or mixed Governing Body to manage the Endowment, and of the benefit of the Endowment being available for all denominations, without any religious test. The following amendment was moved by Lord Justice FitzGibbon, and seconded by Dr. Trull:—That due regard to the spirit of the Founder's intentions requires the constitution of the Governing Body to be exclusively Protestant. The amendment was negatived and the original resolution was adopted by the majority of the Commissioners. Lord Justice FitzGibbon and Dr. Trull voting for the amendment and against the resolution. Dr. Molloy, while assenting to the resolution that a Draft Scheme should be prepared on the basis proposed by Mr. Justice O'Brien, stated that he did not think that the most satisfactory basis of a Scheme, but that it was less open to objection than the alternative proposed."

As the amendment which was negatived was in the same terms as the resolution adopted by all the members of the Commission, except Dr. Molloy, I am justified in pointing out that the adoption of the basis of the present Draft Scheme was accidental, in that it depended on a change of Judicial Commissioners, and also on a change of opinion on the part of Professor Dugherity, as to the basis on which the Draft Scheme should be settled. That the majority was also temporary will appear when I read the paper which Dr. Wilson, Professor Dugherity's successor, submitted to the Judicial Commissioners for their consideration in framing the Scheme. The Draft Scheme was published on May 14, 1892, accompanied by observations from Dr. Trull, Dr. Molloy, and myself, and by a memorandum summarizing it.

In July, 1892, Professor Dugherity resigned, and Dr. Wilson was appointed as his successor. We have, therefore, had to consider his views in deciding upon the course which we should now adopt. He has stated them in  $\dagger$  writing, they are recorded on our minutes, and I may refer to the following extracts as giving the principle which he adopts, and which is diametrically opposed to the Draft Schemes of Professor Dugherity.

"The documents written or accepted by Mr. (Erasmus Smith) supply abundant evidence that he ardently sought to propagate the Protestant faith among the children of his tenantry, and of others in the surrounding districts, and that he hoped to accomplish this by giving a good secular education to all of them free of cost, placing them at the same time in the Schools provided for them, under teachers who would pray with them twice daily, expound the Scriptures to them, and instruct them in a Protestant Catechism. With the same object, he further directed that when the children were being sent to school, they should be apprenticed to Protestant masters, and aided at a Protestant University if they sought higher education.

"Thus his design was to draw the children at his Schools from Roman Catholicism to Protestantism. We may agree with him in this attempt to proselytize his tenants and others or we may differ from him, but we cannot say that his language is obscure, and that his intentions are unknown to us.

"It follows that no Educational Scheme, which eliminates the religious element from the secular teaching, can meet the requirements of the case. At no stage of their educational course could the children or young men deriving aid from his endowments receive, consistently with his provisions, secular instruction divorced from instruction in the principles of Protestantism. To employ the revenue from his estate, or any part of it, to maintain Technical Schools, or to aid Secular Schools, or to give exhibitions for success in purely scientific or literary subjects, while religious teaching of a Protestant character was to be ignored or positively prohibited, would be to violate the intentions of the founder."

Therefore, before the period for lodging objections to the Draft Scheme had expired, the majority by which it had been published had ceased to exist, and the authority by which it was framed proved to be as temporary as it had originally been accidental.

I have now to discharge my duty under the statute, section 23, of considering this Scheme and the objections to it. But before going into them in detail, I have an objection to it, in principle, which would be equally insurmountable if I held the Roman Catholic claims to be established. I could not consent in framing any Scheme which would form "a neutral or mixed Governing Body," for the government of any school in which education was to be given which was based upon religion. The work which our Commission has done, in extending to Roman Catholics the benefit of endowments which they could not previously conscientiously accept, rests on our universal adoption of the contrary principle, which has been not only approved but extended by the Privy Council and House of Commons, when they came to deal with our Schemes. Notably, the Privy Council declared Mercer's Endowment to be exempt from our jurisdiction, because the Governing Body consisted exclusively of Dignitaries of the Church of Ireland, though the pupils were not expressly restricted; and the House of Commons disapproved of the first Scheme for Rainey's Endowment, because it did not give the Presbyterians a majority on the Governing Body, and the Founder was a Presbyterian.

The first case with which we dealt, that of the Endowment for the inhabitants of the Borough of Swords, was taken up and dealt with as a typical case upon this question. The Endowment was divided, a Roman Catholic and a Protestant Governing Body were appointed, and both the Archbishops of Dublin approved of that course, while neither of them would have accepted a mixed Governing Body.

The Endowments of the Royal Schools were next dealt with on the same principle. At every public inquiry at which that Scheme was discussed, the Roman Catholic authorities, including the Archbishop of Armagh, the Bishops of Raphoe, Clogher, and Kilmore, were unanimous in refusing to consider any Scheme which would place the management of a School, in which they were interested, under a mixed body. I may say in passing that what "a mixed body" means I do not know. In our first Draft Scheme for the Ulster Royal Schools, we proposed that a fixed proportion of the Endowment should be distributed between the Roman Catholic and Protestant Governing Bodies, in proportion to the work done by their Schools, but the Privy Council remitted the Scheme to us with a declaration that we were to make the division final and complete.

I shall refer to but one other case, though there are many. The Leahy Endowment in Limerick was under a mixed Governing Body, and though provision was made for the separate religious instruction of the Scholars, the Roman Catholic Governors declined to attend. There were hardly any Roman Catholic children in the school, and the Roman Catholic Bishop of Limerick gave this evidence :  $\ddagger$

"Q. I understand that you think the school and money cannot be made available for both denominations ?

"A. Certainly not. I never will allow the Catholics of Limerick while I am Bishop to attend a mixed school."

We framed a scheme dividing the Endowment, and forming separate bodies for the administration of the distinct shares allotted to the Protestants and the Roman Catholics, and that scheme also is now in operation.

I should have doubted my own judgment upon this point, if I found that Dr. Molloy had approved the Draft Scheme with respect to the neutral or mixed Governing body, but his memorandum does not refer to it, and he says that it is mainly in the hope of seeing a certain annual sum, of about £2,700, applied to the purpose intended by the founder, in the provision for school exhibitions, that he has been able to concur with his colleagues in the publication of the Draft Scheme. I therefore think I am justified in assuming that the neutral or mixed Governing Body has not been sanctioned by him.

\* Rep. 1890-2, p. 25.

$\dagger$  Jaffa, p. 265.

$\ddagger$  Rep. 1887-8, p. 25. Q. No. 812.

What is that Body, which, under the Draft Scheme, is to continue to be the Body Corporate of the Governors of the Schools founded by Erasmus Smith? Seven co-opted Governors to be reduced to five when the offices of Chief Baron and Vice-Chancellor cease to exist. The Lord Chancellor, the Chief Justice, the Master of the Rolls, the Provost of Trinity College, and the Chancellor of the Royal University. Of the seven, five are Protestant. Eight representative Governors, one elected by each of the following Bodies: The Provost and Senior Fellow of Trinity College, the Council of the University of Dublin, the Senate of the Royal University, the Councils of the three Queen's Colleges, the Fellows of the Royal University teaching in University College, Dublin, and the Faculty of Magi Presbyterian College, Londonderry. I believe that of all these bodies there is only one wholly Roman Catholic. I think there is a Protestant majority upon all the rest but one, and I know that five at least are exclusively Protestant. The Lord Lieutenant is to appoint five persons of experience in education as Governors, but their religious denominations are not prescribed, as they were in the case of the Scheme for the Royal School Endowments. Next come so many of the existing Governors appointed before June 1, 1891, as at the date of the Scheme shall be willing to act, and shall have attended not less than one-fourth of the meetings of the existing Governors, during their tenure of office within three years past. This Body has power, of course by a majority, to co-opt successors to the continuing vacancies when reduced to six, and thus we get a body, at first of unknown number, but which will ultimately consist of four and twenty members, of whom in all probability the great majority will be always Protestant, but which will have upon it just such a number of contending religious representatives as to secure disengagement, if not disruption, and to vindicate the principle which every Roman Catholic authority has declared to be vital.

I submit that the resolution which forms the basis of this Draft Scheme begins at the wrong end. It should first have been ascertained whether this was or was not a Protestant Endowment. If it was not, then the question in which the Roman Catholics were entitled to its benefits should have been ascertained, and then a Governing Body might have been formed for the separate administration of the several shares of the different denominations.

As it stands, every application of the Endowment, to management of every School, the exercise of every function of the Governing Body, depends upon the view of the majority for the time being, subject only to provisions compelling the continuance of the payments to Trinity College, and to Christ's Hospital, London.

What are the powers, now, that that Body is to exercise? The Governors have a discretionary power to supplement the Trinity College exhibitions, a discretionary power to maintain and educate poor boys, who are Scholarships, to be chosen in the manner and subject to the conditions prescribed by the Governors. They may from time to time make any arrangements which they deem expedient, for maintaining and educating free Scholars in King's Hospital, or any similar institution or institutions. They must maintain the Grammar Schools at Drogheda, Galway, and Sligo, the High School in Dublin, and the Commercial School in Dublin, so long as they are in direct operation. They have discretionary power to give a local committee consisting of three or more persons, and constituted in any way which the Governors think expedient, to maintain an Intermediate School in Enniscorthy. They are to provide in each of the Grammar Schools, for the free education, as day pupils, of at least twenty pupils from among the children of tenants on the estates. These pupils are to be

selected by the Governors, and Schedule No. VIII, to the Scheme enables them to make the selection from the inhabitants of nine counties. It is not even prescribed that these pupils shall be poor, but failing these, the selection may be made from amongst such other poor children as the Governors shall from time to time think fit. The Governors are to appoint local committees to aid in the supervision and management of the Grammar Schools, but they may fix the constitutions and define the functions of each of these committees as they please. The Governors are to provide for the appointment and removal of the teaching staff of the School, and the Scheme then contains—as its only provision as to religious instruction—a conscience clause based upon the conscience clause in the Intermediate Act, and nothing more, except that the Governors are to have regard to the denominations of the pupils.

Under this scheme, I fail to see that any real advantage or benefit, any defined right or claim, is conferred on or recognised for Roman Catholics. I agree with Dr. Molloy's observation that the application of the expenditure upon Grammar Schools, the Hsecoast Hospital, and Trinity College, amounting to about £5,000 a year, would probably remain under the Scheme pretty much what it has hitherto been. If so, how is such a Scheme "expedient" in the interests of anybody, and above all, of the tenants or their children, whose hopes would be excited by its adoption only to be disappointed? Every other application of the endowment is limited in amount, and is only to be made after making such provisions as the Governors shall deem adequate, for the "efficient maintenance of the existing Grammar Schools and Commercial School. It may therefore be nothing at all. As little as the Governors please, but not more than one-sixth of the income, is to be applied to supplement local effort in establishing and maintaining Intermediate Schools, in any district in Ireland in which the Governors shall be of opinion that sufficient provision for Intermediate education does not already exist.

One of the strongest arguments pressed upon us by the Rev. Mr. Humphrys was based upon section 13 of our Statute, requiring endowments provided for the education of children belonging to a particular class to continue as far as requisite to be applied for their benefit. If the second branch of the resolution upon which this Scheme is based is right, namely, that the benefits of the Endowments are available for all denominations without any religious test, how is this discretionary power to supplement local efforts to establish schools all over Ireland to be reconciled with the 13th section?

Next come the School Exhibitions, which are not to exceed forty in any one year—how few they may be is not stated, except by saying that they are to be as many as the funds at the disposal of the Governors will allow; each exhibition not exceeding £10. This, so far as I can see, is the only provision which is limited to children residing within the districts, but the districts are defined, and they include four baronies of Tipperary, one barony of Limerick, three baronies of Meath, one barony of Leath, the whole counties of the towns of Drogheda and of Galway, the barony of Carbary in Sligo, which includes the town of Sligo and several miles round with the whole north of the county, and portions of Kildare, the King's County, and Westmeath. If a sufficient number of candidates from the district do not present themselves, the Governors may offer all or any of the exhibitions, for open competition, throughout Ireland, or in selected localities, and they may allocate all the exhibitions among the several localities, as they deem expedient, having regard to the population of each district, and to its educational needs and facilities. But no exhibition is to be paid in money; each is to be tenable at some

\* See 15.

† See 17.

‡ See 11.

§ See 20.

¶ See 21.

\*\* See 22.

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place of Intermediate Education approved by the Governors, unless they apply it, as they are allowed to do, for the advancement of the successful candidate in any manner which the Governors, having due regard to his wishes and circumstances, deem most advantageous. When we remember that the Governors are only bound to provide as many of these exhibitions as the funds at their disposal for that purpose shall from time to time permit, and that their expenditure upon the Grammar Schools and Dublin Schools is left to their discretion, when we remember also the constitution of the Board of Governors, and the area which is included in the districts, with all the discretionary precautions which I have quoted, I cannot agree with Dr. Molloy in thinking that this part of the Scheme carries out, in any efficient way, the spirit of the Founder's intention, or gives any solid ground for the hope of seeing any substantial sum directly applied, under this clause, for the benefit of the children of his tenants.

One-twelfth of the income<sup>†</sup> is to be set apart for University Exhibitions, but these are to be awarded to pupils of the Schools only, and I have already pointed out that there is no school in Ireland attended by any appreciable number of Roman Catholic pupils, under the management of a Governing Body such as this. And we have every reason to believe that the ecclesiastical directors of the Roman Catholics would not permit them to attend any such school.

Section 52<sup>‡</sup> enables the Governors to apply any unexpended income in augmenting the sum set apart for supplementing local effort in the establishment and maintenance of Intermediate Schools anywhere in Ireland.

From beginning to end of the Draft Scheme, there is no mention of religious denomination, either as a qualification for the office of a Governor, or as an indication of the character of any School upon which money is to be spent, or as affecting the rights of any child to receive benefit. I contrast the Scheme, in that respect, with every other Scheme framed by this Commission, regulating the application of endowments intended to be available for all denominations, without any religious test, and I can only say that, while this scheme, in my opinion violates the intention of the Founder in almost everyone of its provisions, is the character of the education which it seeks to promote, in the mode in which it proposes to apply the Endowment, above all, in the constitution of the Governing Body, and the provisions as to the areas over which the benefits of the Endowment is to extend, it at the same time wholly fails to secure the only object with which it purports to be prepared, namely, that of making the benefits of the Endowment available for all denominations without any religious test.

I next refer to the Draft Scheme submitted by the Governing Body. Of course no member of the majority who approved of our Draft Scheme could approve of it, but the parties interested are entitled to my judgment upon the questions which they have raised, and I am bound to say that I am not prepared to adopt the view which it is the great object of the Governors' Draft Scheme to put forward, namely, that the Governing Body should be exclusively confined to members of the Church of Ireland, and that the Masters of the Schools should all be of the same denomination. I am impressed by the omission, throughout the whole of Erasmus Smith's documents, of any reference to attendance upon the Divine Worship, or to the use of the Liturgy, or to the adoption of the Catechism, of the Established Church. I am impressed also by his adoption, not only of the Catechism of the Assembly of Divines, but of the Catechism of Archbishop Usher, whose life was spent in efforts to unite the Protestant sects, and whose Catechism differs from the Church Catechism, in a manner indicating a desire to make it acceptable to those who are not members of the Established Episcopal Church. The with-

drawal of the power of Visitation from the Bishops, the Draft Deed of 1680 proposing to sanction the use of any one of five Catechisms, namely, Archbishop Usher's, Dr. Hall's, Perkins', or the Catechism of the Assembly of Divines, together with the Church Catechism, and even the language of Erasmus Smith when he prescribes the duties of the Schoolmasters, such, for example as "the exercise of prayer," "exposition," and the like, with the evidence of his association, from 1642 to the end of his life, with those who were not members of the Episcopal Church, all lead me to adopt the contention of Dr. Nichols, that Erasmus Smith was not merely a Protestant but that he was emphatically a Protestant, that he was strongly imbued with the religious earnestness of that age; but that he was what would be called now a Low Churchman. I am quoting from Dr. Nichols,—who had more sympathy with Dissenters than with High Anglican views, I think he used the word Protestant to embrace all Protestants, including Presbyterians and Independents, and that he did not regard the term as exclusively denoting members of the Episcopal Established Church. But the more near we bring his religious position to that now occupied by the members of the Evangelical Alliance, the more strongly we make him Protestant, and the more emphatic we make the declarations of his intention not to extend the benefits of his Endowment to Roman Catholics.

This question cannot be decided now; if we had agreed upon a scheme admitting all denominations of Protestants to the benefit of the Endowment, the question would have been decided by the Privy Council or by Parliament, and I should at once have acquiesced in the decision, but I would not have gone further, nor at present advised, than to give adequate representation and equal religious facilities to all Protestant denominations, and by adequate representation I should have meant something proportionate to the relative numbers of the pupils attending the Schools. Having regard to the localities, the proportion of members of the Church of Ireland was to have been the great majority, and I could not have consented to transfer the Endowments to the North of Ireland, nor to have fixed the Presbyterian representation by reference to the numbers of that persuasion to be found in localities altogether outside the area of the Scheme. Therefore, while I agree with the objection of the General Assembly that the endowment should be dealt with as an educational foundation having a distinctly declared religious aim, I cannot agree that the members of the Presbyterian Church, to be placed upon the Board of Governors, would represent the Body most completely in accord with the doctrinal views of Erasmus Smith, and far less could I accept Dr. Wilson's proposal that the representatives of each of the Protestant churches in the Governing Body should be in proportion to the number of its adherents in the country, and will equal rights to share in the management and benefit of the foundation.

If I am right that Protestantism is of the essence of the Founder's intention, the scheme proposed by Dr. Rev. Mr. Humphrys of course falls to the ground. I have already given my opinion that the mandatory direction of section 13 that, in framing a scheme, it shall be the duty of the Commissioners to have regard to the spirit of the founder's intentions, with respect alike to the constitution of the Governing Body, and to educational provisions, compels us here to form a Protestant Governing Body, and to insert provisions for Protestant education. If this be so, the arguments founded on the provisions in the same section fail to the ground, for the only "privileges or educational advantages," to which any class of persons can be in such case entitled, must accord to the denominational organization of the founder, and any express provision which he has made for "the education" of a particular

<sup>\*</sup> See Sl.<sup>†</sup> See 25.

son of children, must carry with it that the Endowment must be applied for the benefit of such children, giving them the education which accords with his intention, and none other.

Before advertiring to the legal arguments, it is only just to the labour which Mr. Humphrys has taken, and to himself, to say that I have read and considered with care all the voluminous documents with which he has furnished us—we have had not merely what appear before the public, we have had from him also other communications supplementing them. I am bound also to give reasons for my inability to accept the Draft Scheme which he has put forward. He objects to the constitution of the Governing Body as laid down in the Draft Scheme, and he objects to any Governor being nominated by the Lord Lieutenant. He contends that all the existing Governors ought to be expelled and declared ineligible for future election, so that all the Judges should be excluded from the office of Governor, and in this I may observe not only do I agree with him, but the practice of the English and Scotch Commissions, as well as of our own, in removing public officials who have nothing to do with education, from Governing Bodies of the kind, has been almost universal, and the principle has been expressly approved by the Privy Council in the case of several schemes settled by us, including the scheme for the Hibernian Marine Society and Morgan's Schools. But what does the Rev. Mr. Humphrys propose as a Governing Body in their place? Nine ex-officio Governors, the Chancellor of the Royal University, the Presidents of Maynooth College, Thiarles College, and the Queen's College Cork, Belfast, and Galway, University College, Dublin, and the President of Magee Presbyterian College, Londonderry. But along with these, representative Governors to be elected by the districts in which the School Estates lie, one representative for a rental of from £500 to £1,000 per annum, and an additional Governor for each additional £1,000 of rental, but the electing body is to be "the local committee," and the local committee is to consist of the Catholic and Protestant Archbishops or Bishops, three Roman Catholic priests, three Roman Catholic laymen, one Protestant clergyman and one Presbyterian clergyman. No Protestant layman at all. Such a Governing Body not only violates every consideration of equality or justice, in dealing with an Endowment founded by a Protestant layman, but it violates the principle upon which alone every member of the Roman Catholic Hierarchy, who has ever appeared before us, has stated that an Educational Body could be accepted by him. I should mention, by the way, that the Scheme also contains the following clause:

"If the number of Protestants or Presbyterians in the district should entitle them to a larger representation on the local committee they shall get it. If there should be dissentients of any other Christian denomination within the districts they also shall have a seat on the local committee."

What these clauses mean, or how they should work, or how many seats they would provide, I do not profess to understand.

I come to what he wishes to do with the money. He objects to the maintenance of the High School and the Commercial School in Dublin, they and all the English Schools are immediately to cease to derive any aid from the Endowment, though the High School is now one of the most efficient in Ireland, and was founded partly with the sums available by Statute for English Schools, and partly by the Treasurer's per capita placed by Statute at the disposal of the Governors. He requires two new schools at Tipperary town, a Grammar School for boys and a High School for girls at Falleas Green, a place with 136 inhabitants, the same at Dromhead, with less than 100, and three schools at Cashel, with Grammar Schools for boys, High Schools for girls, and Technical Schools, wherever required by the tenants' children; in every School, the Head

Master and Assistant Masters are to be of the same religious persuasion as the majority, not of the pupils, but of the people within the district, with one exception, that there shall be one Assistant Master of a religious persuasion to which a minority of fifteen pupils belongs. He "objects altogether" to the School Exhibitions, which were Dr. Molloy's main inducement to consent to the publication of the Draft Scheme, and, lastly, he enacts that all the Ernest Smith revenues within any electoral district must be expended on the children in that district, a provision which would give £1,050 to Tipperary, £2,500 to the Barony of Croomagh, otherwise Falleas Green, in Limerick, £2,750 to Galway, £207 to Sligo, £428 to one town land in Westmeath, £23 to the King's County, £48 to Dublin, and leave nothing at all for Dromhead, though he enacts that the Grammar Schools at Dromhead, Galway, Tipperary shall, under no pretext, be discontinued as Grammar Schools. I apprehend that any judicial concurrence in this Scheme as expedient is unlikely.

The legal principles and authorities prescribing our duty in this case, and which were considered by Lord Justice Neale and by myself before we agreed upon the original basis for the Draft Scheme, appear to me to be unanimous and conclusive, and to cover the whole ground. Sir George Tanter, in the *Attorney General v. Bishop of Worcester*,<sup>1</sup> rules that where a summary jurisdiction is created by Parliament, it must be deemed to be the intention of the Legislature, in the absence of any restriction, that the proceedings under it, when resorted to, shall have the same form and effect as the proceedings under the ordinary jurisdiction for which it is substituted. This principle applies *a fortiori* to us, who are, by our Statute, expressly bound to have regard to the spirit of the founder's intentions, with respect alike to the constitution of the Governing Body, and to Educational provisions. We have also, in all other cases, considered ourselves at liberty to refer to the action and reports of the previous Commissions.

In the *Attorney General v. Oxford*,<sup>2</sup> Lord Rosily lays down that, if a charity seeks to promote religious education, even though the intentions of the founder are not clearly expressed, or the instrument of foundation be lost, or even never had any existence, the opinions and religious tenets of the founder have a most material bearing on the question who are the objects of the charity, and in what manner the trustee of it are to be performed. ¶ If the founder has expressed an intention that religious instruction, of a particular character, shall form a part of the instruction given, the Court will follow that direction, although the effect may be to exclude a large portion of the community most in need of the charity from receiving any benefit from it.

In *Baker v. Lee*,<sup>3</sup> Lord Cranworth says: ¶

"Where the trust is confined to the duty of selecting proper persons to teach or expose the doctrine of the Church of England, or to instruct children in any branches of learning, of which the tenets and doctrine of the Church of England are necessarily to form part, and to apply funds for the promotion of that object, it can hardly be doubted that, in the exercise of a sound discretion, the Court will take care that none but members of the Church of England shall be appointed trustees."

See the light which that judgment throws on the expression in our statute that the Judicial Commissioners are to frame the Scheme "in such form as they think expedient." In the same case, ¶ Lord Wensleydale, looking at the terms of the deed, thinks it clear that education in godly and other learning was its principal object, and, in order to carry that object into effect, those who were fitted to execute the duties of trustees connected with education, namely, members of the Church of England, and equally fit to discharge the other duties connected with it, are the proper persons to be appointed.

In *Shore v. Wilson*,<sup>4</sup> Lord Lyndhurst says:

"In every case of charity, whether the object of the charity be directed to religious purposes, or to purposes

<sup>1</sup> 9 Han. 528, p. 500.

<sup>2</sup> 25 Geo. 1. 288.

<sup>3</sup> 522.

<sup>4</sup> 22 Eliz. 2. 154.

<sup>5</sup> 512.

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purity civil, it is the duty of the court to give effect to the intent of the founder, provided this can be done without infringing any known rule of law. It is a principle that is uniformly acted upon in Courts of Equity. . . This means the fact is known and ascertained, then the application of the principle is clear and easy."

Lord Justices Knight-Bruce and Turner, in the "Blimster case," held that, though trustees from time to time had taken upon themselves to appoint Dissenters as trustees of a school "for the virtuous education of youth in literature and godly learning," and though the school was held not to be regarded as founded exclusively for Church of England purposes, and though the sons of Dissenters were admitted to participate in its advantages, without having the doctrines of the Anglican Church inculcated on them, the primary object of the school was education, including though not confined to religious instruction, they found that, according to the language and intention of the instrument, instruction must be in conformity with the doctrines of the Church of England. Therefore it was held that every trustee ought to be a member of the Church of England, and that the effect of introducing Dissenters into a trust of that description, "would tend to provoke religious disputes, and be most prejudicial to the conduct of the charity." If that is the law in England as between Dissenters and members of the Church of England, how much more does it apply in Ireland as between not only those denominations, but the Roman Catholic religion also.

In the case of St. Leonard's Schools, Shoreditch,<sup>†</sup> the Privy Council, in a judgment delivered by Lord Selkirk, held that trustees could not impose upon a school any new denominational character, or any denominational character of a binding nature different from that which it originally had, and that if regulations made by trustees were relied upon as imposing a denominational character upon a foundation, they must be shown to have been authorized by the founders. That disposes of the argument addressed to the neglect, by the trustees in this case, to enforce rigorously the religious supervision that Erasmus Smith's will enjoined.

I might multiply authorities to the same effect without end. To show that they are not confined to England I quote Sir Edward Sullivan in the case of Hall's Charity, Limerick:<sup>‡</sup>

"A Judge sitting here, in the case of a Protestant as well as any other charity, has a paramount duty to discharge, to endeavor to discover the intention of the testator, and if the court is satisfied that he intended that there should be teaching of a religious character in the institution, it is bound to carry it out regardless of the way such intention may work. It has been much pressed upon me that this is a virtual exclusion of Roman Catholic children from the school. I quite agree in this view, for although I do not think that the religion of a child can be any condition of his entrance or admission to this school, it is plain that Roman Catholic children, intended to be reared in that faith, would no more attend a school in which the doctrine of the Church of England is part of the daily education, than a Protestant child would attend the school where the doctrine of the Roman Catholic Church were to be similarly taught."

That all this applies to us, I quote the authority of Lord Justice Naish in the year in which he held the office of Lord Chancellor. At the conclusion of the preliminary inquiry respecting the Incorporated Society, Lord Justice Naish used these words:—

"There are certain clauses of a very stringent character imposed on us by the Act, and one of these clauses, from which we cannot depart, and which the Act of Parliament requires us to observe, is to have regard to the spirit of the founder's intentions, and without suffering any judgment I may form as to any particular clause, I cannot lose sight of the fact, that that provision was intended to provide, amongst others, for a case of this character, that where we are dealing with a foundation of a purely private character, even when such private endowment has been handed over

to a Body of a public character to administer, and when we are satisfied that it was intended by the founder to be applicable for purposes of a particular denominational character, we are bound to have regard to such intention."

No Commission such as this—for less a single Judge can in my opinion with propriety ignore or violate such authorities as these. As a striking proof that these are no mere Chancery principles, but that they rest on the firm foundation of justice and of public policy, as understood by upright unprejudiced and unimpassioned minds, I quote, lastly, a passage from another authority.

"With regard to endowments of public origin from which any particular class of the community was at one time excluded, on account of religious disabilities set up by the State, it is clear that when these disabilities have been removed, the members of that class should enter into their full share of such endowments, but private endowments stand upon a different footing. When private individuals, out of their own private means establish endowments for the benefit of their own particular religious denomination, and expressly provide that these endowments are to be exclusively applied to the members of that religious denomination, it appears to me to be a principle of public policy, and I may say a principle in which the interests of all religious denominations are equally involved, that the intentions of the founder should be held sacred. Hence is any Scheme drawn up or approved of, by this Commission, for the administration of endowments of a strictly private character, I hold that regard must be had to the intentions with which their foundation was originally made."

These are the words used by Dr. Molley in discussing the position of the private Endowments vested in the Incorporated Society. In the instruments of foundation, many of those Endowments were given for the education of "the Popish and other poor natives of Ireland," sometimes the particular locality was specified, sometimes the kind of education to be given was prescribed, but because in all cases instruction in the doctrine and principles of the Established Church was ordained, no claim to these Endowments was put forward, either by Roman Catholic or by Presbyterian, after the preliminary inquiry at which it was sought to present those claims. And, by a Scheme unanimously passed by us, signed by both the Judicial Commissioners without question, not met by one single objection before the Privy Council, and now finally approved by the Lord Lieutenant and in operation as the law, a Governing Body, consisting exclusively of the members of the Church of Ireland, has been formed, and the Endowments have been made applicable exclusively for the benefit of the members of that Church. I fail to see how the authority that mentioned that Scheme could consistently approve of any Scheme which would deprive Erasmus Smith's Endowment of its Protestant character.

One argument alone remains which I had overlooked. I never could see its force, but it was used, and therefore it deserves an answer. It was suggested that because the Governors had not compelled Roman Catholic pupils to accept religious teaching, therefore the endowment was to be thrown open to such pupils without religious distinction. At best this was only an argumentum ad hominem, for the Charter forbade the Governors even to suspend the rules made by the founder. The English cases are conclusive that no length of neglect or omission to enforce a founder's intention can alter the rule of Chancery as to the obligation to carry it out. The English Endowments Act contains a special provision, omitted from our Act, enabling the Charity Commissioners to get rid of religious restrictions which have not been acted on, but our Act gives us no such power. But, apart from all this, the facts displace the argument. The Schools have always been maintained by a Protestant Governing Body, under Protestant Masters, and religious education has been provided in them for Protestant pupils who have been in attendance. Under these circumstances, the character of the Endowment cannot be changed, and

\* 2 De G. &amp; J. 286.

† 18 App. Cas. 30.

‡ 1 Rep. 5 E. 422, 424.

§ Rep. 1445-5, p. 15.

its obligation to observe the founder's intention must be affected, by the fact that some other pupils have from time to time been permitted to receive secular instruction, without receiving religious instruction also.

Of course that also disposes of the argument based on the introduction of the Conscience clause in the Draft Scheme prepared by the Commissioners themselves.

In conclusion I have to state the position which I occupy as to the preparation of a Scheme, and the extent to which, and to which alone, I am responsible for the negative result of our proceedings. I maintain that an exclusively Protestant Governing Body must continue to manage the Endowment and the Grammar Schools. I maintain that those Schools must remain under Protestant Masters, and must continue to provide combined religious and secular instruction for Protestant pupils. In many respects, whilst it would be useless now to particularise, I believe that the framing of a Scheme under our Act might extend the usefulness of these Schools, upon the lines intended by the Founder, might increase their means and advantages, and might confer their benefits on a much larger number of pupils, including, in all probability, many Protestant children of tenants and inhabitants of the wide-spread estates formerly belonging to Erasmus Smith, who are now either ignorant of their privilege, or perhaps cannot avail themselves of them, since those privileges are made more easy of access and enjoyment. Regarding these Protestant Grammar Schools as the primary object of the testator's bounty, I am struck by the smallness of the proportion of the increased income of the Endowment which has been hitherto applied to them. I hold that the first essential provision of any Scheme must be to make ample provision for these Schools, and to serve its direct application in accordance with the Founder's intention. But the trustees have multiplied in value since the Founder's death, and after making very necessary provision for the Grammar Schools, and their pupils, including provision for their advancement by University education, a large surplus will still remain. Even if we respect, as I think we are bound to do, all applications of that surplus which have been sanctioned by Parliament or by the Crown, and which are now efficient, notably the provision under which the High School has been established, and poor scholars have been provided for there, and in King's Hospital and in Trinity College, a large surplus will still remain. The only provision which Erasmus Smith made in his Will for English schools, was confined in the first instance to five schools upon his own land; in the second Charter to five schools not fixed in locality, and in the third Charter it disappeared. I concur in the views expressed in the Reports which I have read, and concurred in by the Vice-Chancellor, that these Schools should be discontinued. The National fund would give to every one of them that remains more money than it now receives from the Endowment, and past experience shows that those Schools for which the aid of the Endowment has been withdrawn, and which have been placed in connection with the National system, have increased in numbers, means, and efficiency. All the money now spent on these Schools, and some of that which is spent on other purposes not contemplated by the Founder, may, in my opinion, now be made available, without in any way interfering with due provision for the primary objects to which I have referred.

In dealing with the surplus funds, not only the legislation affecting this particular Endowment, but the law and practice of Chancery, have always acted with a free hand. Erasmus Smith himself, under the Charter of 1669, wished a general power of appointment over a variety of the surplus, which he never fully exercised. In dealing with that surplus now, I should have been glad to extend its benefits to the children of his tenants, without religious distinction, if I could do so.

I know that I am exposing myself in some degree to Dr. Molley's arguments of *Avebury*. Dr. Wilson's memorandum objects altogether to the application of any part of the Endowment to any form of education disassociated from Protestant teaching. But I should willingly incur these risks to secure the consideration of this case by the Privy Council, and by Parliament, believing that it can be done without any extreme violence to the testator's intentions. Technical Education is the great want of the present day in Ireland. Erasmus Smith, in both the Charters, contemplated the bringing up, to trades and manufactures, of these pupils of his Schools who were not suited for or did not desire University education. He draws the distinction even more clearly in his laws and directions, for he says:\*

"The children are to be instructed and taught in the Latin, Greek, and Hebrew, according to their respective capacities, and fitted for their University, if their parents or friends desire it. Others of them to write and cipher that they may be fit for dispensement to trades or other employments. There are further recommendations in relation to the poor children so clothing while they remain in the school, pensions for those that go to the University, and provision also for those that are denied opportunity, some whereof are expressed in the Charter, all which will be declared by the Founder's appointment when the revenue comes to be more fully stated."

The Founder did not live to make any further appointment, and the revenue did not become what it is until long after his death. Under these circumstances, I desired to treat a portion of the surplus as an unapportioned fund, and to frame a Scheme which would devote a large part of that surplus to agricultural and technical teaching, to be given upon the estates of Erasmus Smith, and to be brought within the reach of the children of the tenants and inhabitants thereof. Mr. Carson, as counsel for the Governors, did not object to such an application of the surplus funds. Dr. Molley's naked—

"Why then do you not provide children of that class with suitable education to fit them for trades and other employments?"

"Mr. Carson.—We have no objection that it should be part of the Scheme that children of tenants should be entitled to come in and be taught to write and cipher in the schools."

"Mr. Carson.—And be prepared and fitted for trades and other employment?"

"Mr. Carson.—Certainly; we have no objection to that."

Again I asked him—

"Mr. Carson.—But what do you say to the point that you ought to give technical education and that it is needed where Grammar School education is not?"

"Mr. Carson.—I think it would be open to us to do that."

I made the remark which expressed what is still my opinion:

"I am bound to say that I think a considerable amount of this endowment might be made much more useful than it is without taking anything away from anybody."

But if this had been done, the Scheme should have been very different from the Draft—we have precedent in the Schemes framed for the Munster Agricultural Institute, and the Pembroke Technical School—the amount to be so applied should have been fixed, and I was willing to fix it at one-third of the net income of the endowment up to £2,000 a year, and definitely to require that amount to be spent in this way, because I was satisfied, upon the evidence, that with proper management that sum could have been set apart, without infringing upon ample provision for the primary objects of the Founder. Provision should have been made to define the mode of application, as well as the amount to be provided, and the religious intention of the founder should have been respected, to the extent of prohibiting the use of any part of his money for the purpose of any education which involved religious teaching inconsistent

\* Royal Commission, 1870, 682.      Report p. 21, Q. 31.

with his creed. But £2,000 a year would have remained to be applied for the benefit of the tenants, and the inhabitants of his estate, in a manner which I venture to believe to be more suited to their position and to their needs, and more valuable to them in every way, than their admission to a system of Intermediate and University education to be conducted by "a neutral or mixed Governing Body," or than the vague prospect of advantage offered by the Draft Scheme which I have declined to sign.

Under these circumstances it will be understood that our failure to frame a Scheme is not to be wholly laid at my door.

Mr. Justice O'BRIEN.—With reference to the expressions with which the eminent Lord Justice concluded his statement—a statement I may take leave to observe distinguished by power and ability, and, it is superfluous to say, by dignity and moderation—I wish to say that I, for my part, must leave the responsibility of the result that has happened where the facts place that responsibility. I cannot in any way alter them or affect them. But I must take leave for myself explicitly to disavow any such presumption, as to make use of any observation whatever, in the smallest degree tending to restrict or affect the exercise of my colleague's entire independence in the performance of the duty that has devolved upon him, and least of all, to be guilty of the grave impropriety of subjecting, as endeavouring to subject, any judicial person to any kind of odium, for the exercise of that high function of independence. I cannot altogether agree with several observations that he has made, and which perhaps I could not have anticipated. I do not see—after the emphatic declaration that he has made as to the view that he takes on this question, as to this Endowment being such in its own nature, and such as it must remain, according to his view, absolutely and exclusively Protestant in its character—I do not see any reason, nor do I think it necessary, to follow the arguments that he has used, by way of criticism upon the Draft Scheme that was framed—by way of observation upon the constitution of the Governing Body, or upon its provisions, or whether it is acceptable to the Catholic body or the contrary. He has certainly in one respect adopted the most effectual means of preventing the Governing Body being mixed, for he has declared himself entirely in favour of the body being episcopal, and has effected a division of the Endowment, in the manner most acceptable to those whose views he represents, in the manner of the lion, by taking all the spoil to himself.

Some observations have been made concerning the memorandum that was referred to of the late Lord Justice Naish, and more restraint is imposed on me, by his lamented death, in making any observations concerning that memorandum, the time when it was made, the reasons why it was made, and whether it was made upon sufficient ground or not. It is enough for me to say, for the purposes of my own opinion, I entirely dissent from it. I had the great advantage and satisfaction of enjoying the confidence and friendship of Lord Justice Naish, with whom it was my fortune very often to co-operate at the Bar, and from whom I received very many marks of confidence,—of great confidence, and those upon important occasions, and I will surely say that I sincerely entertain the opinion that, if he had heard the views that I would have presented to his mind upon this subject, he would not at least have committed himself to the expression of opinion that he gave, an opinion that is sufficiently ambiguous and doubtful in its own nature.

I have considered it necessary also, as the Lord Justice has, to write what I intended to propose or submit as the reasons and ground on which my part in this matter is based.

An estate which at present yields £6,700 a year, and at one time had grown to a rental of over £10,000, and which, having regard to the time of its origin and increase, must have produced,

during a period of nearly two centuries and a half, more than a million sterling, was given by Edmund Smith, mainly for the education of the tenants on his estates; and that vast fund, without indeed any ground of personal reproach, and, in fact, with one conspicuous example of self-sacrifice on the part of distinguished men connected with it, has nevertheless, through inherent tendencies to abuse, been cast into a pool from which no proportional return has come—levied, wasted, cut up, and carried, upon mistaken projects, or upon the innocent craving of personal interests, given away to one institution or another, without, or in abuse, or excess of legal authority, and a prodigious amount of it sunk in a vain and idle war against progress, in maintaining the rivalry of the so-called English Schools with the National system, which, it is now admitted, must be abandoned, with all the costs of money spent on them; while it anyone were asked what part of this immense spouta found its way to the tenants of Edmund Smith, whether one of the tenants was ever educated out of it, whether a single ray of the light we reached the class for whom such a munificent provision was made to dispel the darkness of ignorance, the question would be considered simply as one of irony. The lands are there, the tenants are there, the education is wanted, but the money is carried away, as it were, into exile, with the consequences, and hardly less than the bitterness, of conquest.

That is the case we have to consider, which the Commission has failed to deal with, and which, in the result arising out of insuperable obstacles existing, if not in the nature of the case, in the constitution of the Commission, legislation alone must deal with, and will deal with, if it be still considered the essence of the law to remedy an intolerable grievance, whether by taking the whole funds into its hands of its plenary authority, and satisfying the preference so distinctly declared by experience for denominational education, in the measure and proportion of the class for whom it was intended, or by adopting, as the basis of law, the scheme that was prepared with so much ability and labour, and true liberality, by our late distinguished and honorable colleague, Professor Dargyhan, a scheme not calculated indeed to meet the exclusive views of any religion or party, but a necessary compromise for the overthrow of a great abuse, and a broad and just measure of equality, appealing to sympathies wide and general as the object, the diffusion of the light of education, and constituting another wing in that great march of intellectual advance, which was the object of the system of Intermediate Education.

The State has assumed the right to deal with this Endowment. That is conceded. At first it was contended that it was within the exceptions by which endowments under the exclusive management and for the exclusive benefit of a particular denomination, are excluded from the power of the Commission. That claim, however, was afterwards openly abandoned. And of necessity, for there was no express restriction as to the religion of the Governors, though they were, no doubt, Protestant at the time. And it is manifest that Catholics were intended to be educated, & proselytized by means of the education was directly contemplated. All, therefore, that is not within the exceptions of the Statute, the State has taken absolutely into its own hands to deal with. What is the object for which the authority of Parliament was stated in the Act to be required? The object is expressly declared to be, to extend the usefulness of Educational Endowments in Ireland. And in the similar English Act of 1868, it is declared to be for promoting the greater efficiency of Endowments, and carrying into effect the main design of the founders, by putting a liberal education within the reach of the children of all classes. There is no mention in the Irish Act of anything so liberal as religious exclusions,

or of any religious distinction in the classes. The main design "of the founders" in the English Act, which cannot be different from "the founder's intention" in the Irish Act, on which I have never ceased to think my colleague has insisted upon putting an erroneous meaning, and made that the basis of a great deal that is questionable in the proceedings of this Commission, is expressly construed by the Statute to be "for the purpose of bringing education within the reach of the children of all classes." In the whole of the Irish Act, there is not a syllable concerning religion as a matter to which the Commission are "to have regard," expressions which, even where they do apply, impose no absolute obligation of obedience under all circumstances, but indicate an object to which attention is directed to be paid. Religion is mentioned as a reason for the Endowments being put altogether out of the reach of the Commission, but nowhere as a ground of action when they come within it.

The policy of the state, which has therefore acquired a right to deal with the fund, must govern. What is the State? See how much is involved in the answer to this simple question. The State is that power which is charged with the interests of all classes of the community alike, which not by a single act, or on one occasion, but by a stream of policy flowing through long spaces of time, in one unchanging direction, with a volume and force and consistency, like, in moral strength, to that sea whose "icy current and保管 course never feels retiring ebb," has proclaimed its imperative will, that all religions are equal in civil rights and privilege, and entitled to share alike in the beneficence of its rule.

I cannot but come to the conclusion that the long appropriation, by the Protestant community, of this Endowment to themselves, and the fact of the religion of the founders, are the real and not an unusual cause for their resistance to its being applied to the objects for which it was intended; but I want day that such wrongf ul assumption, in law, or reason, or justice, constitutes any legal or moral right whatsoever or any ground for opposing the will of the State, in respect of a charity in which individuals can have no pecuniary benefit, of which new objects are always coming into existence, clothed with the same rights—with a birthright which cannot be taken away before they are born, and to which the principles that attribute right to the long possession of private property, can have, in the nature of things, no foundation in analogy. There is no property in duality to which exclusive use, in opposition to *de jure* terms of gift, can attach a right. It is the common right of all, like the air and the light. None of all can that form of charity that is employed over the cultivation of the mind be attached, by use, exclusively to certain religious opinions, which a man may alter, while the law professes to shield the liberty of conscience from invasion. The light of education—the light that illuminates the mind—borrows its image and luster from the beneficence of nature, that spreads the physical light, with equal beauty, to all parts of creation.

Reason, natural right, and public policy, therefore, bring all the other way, in order to make out that this is a Protestant Endowment to be managed by a Protestant body, and for Protestant education, and to arrest the hand of the State in applying it for the objects for which it was created, some ground must be found in the original constitution of the Endowment, as affected by the law under the Statute which we have to carry out. Can any such ground be found which will stand the test of a real examination? Let us come to close quarters on this matter. Erasmus Smith was a Protestant, and he wanted to make Protestants. He had two intentions. He wished to educate his tenants, and to convert them—to mix the oil and water together. The two things are impossible. Which of them has the Legislature taken up? I never could consider that there was any real doubt either upon Erasmus Smith's

intentions or upon his religious views. Whatever complexion these assumed under the changes of the times, whether he was a Protestant or Presbyterian, or whether the original Protestants were really Presbyterians, whether it was the Catechism of Ussher, or of the Assembly of Divines of Westminster, that he wished to taught, or whether these catechisms differed in their doctrine, and what was the argument to be drawn from the difference, all such questions, which were at one time very much discussed, have ceased to be material, since the act has been so successfully set to catch the Presbyterian body. So far as I took part in a dispute in which the interests of Catholics was that of merely speculative justice, I could not adopt the argument that Presbyterians were not Protestants, and therefore gave my voice in favour of equality and against exclusion; though it was reserved for me to witness the spectacle of the victims of proscription themselves joining the forces of intolerance, and, in their rush to enter the forbidden precincts, slapping the door in the face of the Catholics who came together with them to knock for admittance. Nor could I see any ground for real doubt as to his religion or the objects he had in view in any point that concerns the question we have to consider. He was a person that, in the *sacra regni*—in the possession, but recent, of the spoils of conquest, was desirous to stand well with all persons in power, and spread his rule to catch the varying breezes from all quarters. The argument before us is that he chose the Westminster Catechism and his first governors to please Cromwell, and that he took Ussher's Catechism and his second list of governors to please the king, and that in neither was he a free agent, is extremely likely to be well founded. Some account must exist of the difference between the two, and that can only be the continuance of the hostility between the Protestants and the Puritans—between the people whom Laud exiled, and the people who put Laud to death. I would say the true motive of his conduct—of his charity and his charters alike, was to secure and consolidate his title to his land in Ireland then in jeopardy, as appears by the Act of Parliament, the Act of Settlement, referred to in the Charter itself; and in the situation in which he stood, it was of great importance to him to draw the bonds more closely between himself and the tenants; and that fact is not without great influence upon the arguments in their favour.

Some observation has been made by my colleague upon what was his expressed intention, and the Lord Justice is far too sagacious not to see the great weight that has upon that question. He has made a statement that the object of Erasmus Smith was to propagate the Protestant faith, and in the Committee in which he took part, that is put forward as the object of Erasmus Smith, and my colleague, perhaps, does not usually put forward propositions of that kind, except with the intention that they shall have a certain force and effect. I deny that statement altogether. The statement that his object was to propagate the Protestant faith, is taken from his letter of 1683—that was not the object of his foundation at all. The original evidence of his intention is found in the deed of 1647, a deed so important that a great effort was made, in the argument on behalf of Dublin University presented to us by Mr. Carson, to get rid of it and throw it overboard altogether. And in the beginning of that deed, in the part that determines what was his real motive and object, he introduces the statement of his intention by these words:—

"And the intention of all parties to these presents is that the children of the poor tenants inhabiting on the lands aforesaid and the children of such as are poor or live by their labour are to be taught at the said Schools free and without paying anything for their teaching to the said masters."

And then he goes on to provide for the further intention that these same tenants, educated in these Schools,

are to be prepared for admission to Dublin University. That is the authentic and absolute declaration by himself, at the first moment and when founding this Endowment, of what his real intention was.

Now, in the multitude of conflicting arguments upon the question, one point stands out conspicuously clear, and is received from all doubt or ambiguity. Erasmus Smith did not intend to exclude Catholics, but to proselytize them by means of education. The Indenture of 1687, the Charter of 1689, the Letter of 1682, and the "Letter" that he made, as he called them, are all absolutely inconsistent with any other idea. That, therefore, is the object which the opponents of the scheme must avow they are bound to carry out. It is not a case of a conscience clause, or of any erosion or indulgence. No—they must govern and manage the Schools so as to change the religion of the pupils. That meant open war upon Catholicism. Let that be distinctly understood, at all events. The deed of 1687, which contains no warrant for such a conclusion, was sought to be set aside in the argument on the ground that it was not acted upon. The suggestion, however, was entirely incorrect, for the property passed by it, and the trust was completely declared, and the Charter referred to it. But the Charter is no less explicit and positive as to the object. For it declares that the said free schools shall from henceforth be, remain, continue to be connected, employed, and used, for the teaching or instructing of twenty such poor children or scholars, who shall dwell or inhabit within two English miles of the said respective Schools, and also for the teaching and instructing of all and every of the children of the tenants of the said Erasmus Smith, his heirs, executors, or assigns, at what distance soever from said Schools such tenants shall dwell or inhabit. That is the absolute trust created without any qualification whatever. The first rules, substituting Archbishop Usher's Catechism for the Catechism of the Assembly of Divines, were inserted in the charter but could not possibly in law affect that distinct and independent enactment. By what power can that right be abrogated? That could not be done by the letter of the 6th June 1682, even if it professed to have such an effect. That letter, in which he gave his judgment why the schools were so "unassuming"—"because the suckers starved the tree"—because the rivalry of the Popish schools was killing the miserable things founded on restraint and hypocrisy, and calling upon them to punish the inscrutable Catholics by force, and, when corruption failed, in the usual succession, invoking the tyranny of power, and suggesting that the Catholic schools should be suppressed by open force—all this betrayed his vexation and consciousness that even then his systems of proselytism had entirely failed. I cannot see any evidence or any necessity in argument for the suggestion that this letter was a forgery by the Protestants. Why should they forge it, if we were to enter into a question of probability, without a shadow of proof? They did not want forgery. They were in possession. All power was on their side. The party of ascendancy had it all their own way, for more than a century at least. They had the fist-pots—and the sword in reserve. Erasmus Smith did what the fanaticism of the times and unchallenged power could lead him to do, to kill and stifle conscience—with the result of which all eyes bear witness. Conscience survived him. Catholics would not have his schools. They turned away with loathing from the Syren cup that was offered to them. The bread, they said, which you have tendered to us, is poison. Your light of education—is the darkness of the soul. Come ignorance, come night of the mind, come poverty, come tyranny, "come rock, come rope," as was said by one who knew both the rock and the rope, we will have nothing to say to the iniquity of the base you have held out to us. This is the demonstration of time, that horses so many fallacies and

errors. Centuries have come and gone since then. Force has been tried, art has been tried, oceans of money have been spent, the fabled stones of wisdom and impossible labour has been rolled up the hill, sometimes pushed up with the bayonet, only to come crashing down again like an avalanche, with mission and association and Kilkenny Street schools and English schools, all buried into the abyss of disastrous failure. Vast palaces have been constructed out of this Endowment, which the tenants view like haunted houses and never enter. I suppose the theory must be maintained, however ridiculous in fact, that the schools are still open to receive the sons of Catholic farmers in the South, who are willing to accept Protestant instruction. What a proposition! But they wait, and must wait, due delay arrives. The Catholic Bawn has never yet come. This is the point where my learned colleague and myself part company. He overlooks this. He stands upon the banks of the Boyne, I stand in the 19th century—which has witnessed the Corporation Acts, the Emancipation Act, the Church Act, the system of National Education, the opening of Degrees and distinctions in offices and Universities to Catholics, and all those influences of legislation that have gone to swell the mighty tide, still without slack or ebb, advancing in the direction of religious freedom. Could it be the intention of the law to reverse that tide—to sanction at that time of day a machinery of proselytism—to re-impress into this Endowment the features of intolerance which it has been the constant object of the legislature throughout so long a time to erase from public policy—taking no account of time, if sleeping for centuries and suddenly waking up in a new world of reason and justice.

The two things, therefore, which Erasmus Smith had in his mind—to educate his tenants and to make them Protestants—are impossible together. For if any man can be found in the country to say the contrary, I have nothing to say to him—but him go to Antwerp. What is the result according to ordinary principles of law? If a gift be made to a man upon the condition of certain qualifications which are impossible, he takes it discharged of the qualifications, or it reverts to the donor. The law thinks of the principal object and not the accessory. It prefers the living man to the venture. But can anybody else seize it? Smith did not give his property to educate Protestants. He gave it to educate his tenants. There is no degree of proximity between the two relations. One is a special relation of property, with an interest and a duty attached to it. Protestants do not become tenants, because tenants do not become Protestants. The thing is directly confessed, for the schools, with the exception of the one lately established in Harcourt Street, mainly by the fund provided by the liberality of the Vice-Chancellor—

VICE-CHANCELLOR.—No.

Mr. Justice O'BRIEN—are planted on the lands where the tenants are, and stand there a monument to confound the usurpation. During the long night of persecution, when complaint was silenced by terror or by law, the barrier of religion was set up under colour of keeping the Catholics out, but in reality to keep the Protestants in—that barrier which the State is now called upon to raise, and to throw open the portals to liberty and justice, and admit the right to their kingdom. And the heirs are in crowds ready to enter. For by the calculations which were laid before the public meeting of the Commission by the Rev. Mr. Humphreys—of whom I may stay in justice that he has exhibited a zeal and ability upon this question that far surpass anything, in my experience, shown by anybody upon any public question on late years—calculations supplemented at the request of the Lord Justice with further information, showing still more striking results, which I have not immediately at hand—there were 242 Catholic\* tenants on the estates

\* See also Appendix B, Document, 1a/6a, p. 261.

of Erasmus Smith in the Tipperary Union, and but Protestant tenants, several of the latter persons holding official positions or Protestant clergymen, and the whole it is stated that the Catholic tenants were not less than 95 per cent.; and in one district of Tipperary, comprising a radius of six miles, there were 167 boys receiving Intermediate Education in Catholic Schools, and in a Catholic Intermediate School at Bally, where the estates also were, there were 58 boys. And it was also stated, as a proof of the extent to which higher education was required, there were, in 1887, 280 professional men who had come from the district, and in two parishes alone where the estates lay, there were 50 professional men, and 21 students in colleges—all which numbers alike, there can be no doubt, have greatly increased since 1887; while if we admit into the calculation the females who are educated in the Convent Schools in the locality, or come from the locality, the total would be raised to a prodigious aggregate. These are the persons for whom Erasmus Smith intended to provide, and who behold themselves, in the interests of such a minority, deprived of their birthright. Let any man in the community, in whom prejudice or interest has not quenched the light of reason, boldly stand up and declare in the face of day whether such a state of things can be justified. Indeed, I have not failed to notice, in unexpected quarters, indications of a grave sense of responsibility, an honest sense of right, if not of an alarmed conscience, released by the startling challenge which these figures deliver.

The statute under which we act, excepts from the Commission endowments which are under the exclusive management and intended for the use of a particular denomination. These conditions, it is admitted, do not exist. Even if the changes in the law respecting Catholics to certain offices did not affect the constitution of the governing body, the second branch of the exception would not apply. For Erasmus Smith did not want to exclude Catholics, but to admit them first and then corrupt them. Now, any ordinary person reading this exception would come to the conclusion, that the law had provided by it for the question of religion, and then finally dismissed it. He would be confirmed in that conclusion, probably, by observing that the name of religion is never mentioned elsewhere in the Act. It would, perhaps, be further confirmed in it, by considering the ingroads which the legislature has made of late years, or rather the clean sweep it has made of all kinds of religious qualifications for office, civil, and for public employment of any kind. However, the question of religion, driven from the law by the 7th section, and pursued by my colleague, has been found by him to have taken refuge in the 25th section, by which it is declared that, in framing Statutes, it shall be our duty, with respect alike to the constitution of the Governing Body, and the educational provisions, to have regard to "the spirit of the founder's intentions." He says that includes religion both in the government and the education. I wholly dissent from that view, and, leaving my attention often drawn to it, have never wavered in the conviction, that it is an erroneous construction of the statute, the very association, in the same precise sentence, of "educational provisions," which do not in themselves import any element of religion, as subject to the same spirit, is distinctly opposed to such a meaning. Even if that construction were correct, there is a direct answer to it, in my opinion, from other parts of the section. The section provides three things. First, that the Commissioners shall have regard to the spirit of the founder's intentions; next, that where the statute abolishes or modifies any privileges or educational advantages to which a particular class of persons is entitled, whether as inhabitants of a particular area, or belonging to a particular class in life, or otherwise, they shall have regard to the educational interests of

such a class; and then there is a provision, which overrules the whole section, and is not in the same terms as the two preceding directions, but is a direct and positive command, that where the founder has expressly provided for the education of children belonging to the poorer classes, either generally, or of a particular class, or within a particular area, or otherwise for their benefit, such endowments shall continue, so far as regulate, to be applied for the benefit of such children. Now, I would not think it is a very reasonable or satisfactory construction to say that "the poorer classes" not the poor, but the comparatively poor and those of a particular class, or within a particular area, must be taken to exclude the tenants of Erasmus Smith. What construction can be put upon the word "poorer," except those who are too poor to provide for the kind of education intended for them? In the Report of the Commission of 1884-85 this was the view adopted, using the very expression "the poorer classes," which is to be found in the present statute. But if the tenants on the estates are within that description, there is an end of "the spirit" altogether. For "regard" to the spirit of the founder's intentions could not be held by anyone to prevail against the positive command of the Act, forbidding the rights of those classes to be interfered with. So that it is an inevitable result, that the children of the better class would have to read the Protestant Bible, but the children of a lower class would not—that religion would follow the colour of the cloth—*quod erat ridiculum*. In like manner, in what way would regard be shown to the educational interests of a higher class, since if they were Catholics, they must be turned out altogether, in obedience to the "spirit"? I do not say that these contradictions and absurdities arise out of the statute at all, but they are the logical consequence of the effort to twist and force the other provisions of section 13 into an association which has no existence except in imagination. Let us put a plain test. If instead of the words "spirit of the founder's intentions," "religious spirit" had been used—if it had been openly declared in Parliament, that the object of the section was to fan into new life & fames dying embers of antiquity, of which hardly the ashes remained, what would be the fate of such a provision? But let us see how much further this "spirit" takes us into the wood. The spirit is a Scotch as well as an Irish spirit. Our Act was passed in the year 1885. The Act relating to Educational Endowments in Scotland was passed in the year 1883, and from that Act our 25th section is copied exactly without change of a word. In the Scotch Act also there is an express exemption of endowments belonging to Universities, or solely or mainly applicable or applied to the purposes of theological instruction, or belonging to any theological institution. Likewise, there is an entire absence of all reference to denominations elsewhere in the Scotch statute. Could it be contended that it was the intention of the Legislature to take a provision from the law of Scotland—where the distinctions of sect are such as few even in this country understand—and put it down upon the widely different conditions of religious difference that exist in this country—to squeeze them both into the same Protestant bed—and that without a syllable of allusion to the subject of religion at all. Whereas, if we read the section as applying to secular questions alone, we find a variety of questions common to both countries alike, concerning the government of endowments, such as the mode of appointment and succession, the locality, the class, the numbers, whether lay or clerical, and concerning educational provisions, infinitely various, which demand regulation and are subjects to satisfy the provision of the statute—a provision standing beside and in immediate connection with other objects of a necessarily and purely secular nature. But the argument goes further still than the identity of the sections in the Scotch Act; for the exemptions in the Irish Act on the subject of religion are substantially

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more extensive to exhaust that subject, and take away all reason for the migration of the spirit of religion into other parts of the statute. The "spirit," moreover, which the Lord Justice finds in the 18th section, is only half a spirit. That is the religious half. The other half—that which concerns the tenants of Erasmus Smith—is dropped altogether. That part of the spirit is left to shift for itself. But what an extraordinary spirit this must be, that is attended with such effects! Are the Grammar Schools of Erasmus Smith, in spite of what has been lost upon them, in reality purifying of ignorance everywhere? Oh, "the spirit of the founder!" Are the English Schools which cost £30,000, for the same period as the others cost £11,000, all but extinct, with no more trace left of them than if they were wasted by the Atlantic Ocean? The "spirit" wasted then! Are the tenants, who dig and plough and sow to produce the rents of these estates, left under the blight of ignorance which the light that was to shine upon them is not allowed to penetrate? The spirit still. A malignant spirit truly! A spirit that sows but hatred where good should grow, that substitutes darkness for light, that wrongs the children of those tenants in their cradle, and is tracked everywhere by hardness and failure.

The burden is on my colleague. The Endowment is not within the exceptions—that is admitted. It is, therefore, subject to the Commission—that is also admitted. The declared duty of the Commission requires them to make Endowments more available for education. There is the statute, bringing the case under the Commission, and under that express command. What takes it out of it, unless—out of the six—out of the variety of all materials for such a creation, Prospero "can call spirits from their confine his present fancies to enact"? What does my colleague want? Does he want that the Governing Body shall be exclusively Protestant to manage an Endowment to which Catholics shall still be admitted? The fact that Catholics holding certain offices are entitled already to be members, is the strongest condemnation by law of such an insulting and unwarrantable proposition, which I hardly can consider any moderate Protestant would advance, or could advance, in this country, without exciting a great flame of feeling. Or does he mean that Catholics shall not be admitted at all, or that the teachers should be Protestants, and Protestant instruction given? Then the tenants are excluded. They never will take the education offered on those terms. That is their own fault, said Erasmus Smith. But that wise person lived in a time when yet the unfeeling moral facts of human experience had not, by dangerous revelations, asserted their right to be accounted with, no less than the physical laws that rule the world. Catholics, it is true, have been educated in some small numbers in the Grammar Schools, but that was by the entire disbandment of Erasmus Smith and his presbytery.

"The Charge," says the "Report of the Commission of 1854-55":—"which requires that all pupils of the Grammar Schools should be instructed in the Catechism of Archbishop Usher, has been systematically violated in the three Grammar Schools as to which we received evidence. Thus, the Master at Ennis says, 'I never interfere with their creed (i.e. that of the Roman Catholic) in any way.' The free pupils in Ennis are, in general, Roman Catholics, and the rules as to instruction in Catechism were never made known to the master. In Galway there was no interference with the religious opinions of Roman Catholics; an order was dismissed for interfering with the religious opinions of the boys. It appears also that at one time the Roman Catholic religion was taught to the Roman Catholic boys at the school."

Oh, shade of Erasmus Smith! But there is another passage which carries back to very remote times—to a period immediately after his death, the inevitable

tendencies of the human mind, and shows how soon the tide began to flow, that it is now sought to turn back.

"As to religious instruction, it appears that at an early period Roman Catholics had been admitted in large numbers, but that is 1719—"

—a period that ominously corresponds with the introduction or first activity of the Penal Laws in Ireland—

"Rules were framed 'for the purpose of hindering the young educated in the Grammar Schools continuing w<sup>th</sup> turning Papists'; and that immediately afterwards the master of the Galway School complained that these rules had deprived him 'of eighty-five Roman Catholic pupils, of whom seventy paid him for tuition, and thereby he suffered very considerable loss'. He begged the Governor to take the matter into their consideration, and either to relax the stringency of the rule or increase his salary. The master was eventually referred to the Archbishop of Tuam, and it would appear that some compromise was entered into."

And the compromise I would shrewdly suspect was not a compromise by way of increasing his salary, when the other alternative was open to them, which cost no money.

"It seems that after this Roman Catholics frequented the school, and it was stated before us that one order was dismissed for interfering with the religious opinions of Roman Catholics. It does appear that neither the intention of the founder nor the rules of the Governor of 1719 were carried into effect."

So that, under an Act of Parliament, passed with full knowledge of the results of that Commission, and without anything to preserve such obsolete bigotry, we are called upon, in framing a Scheme, according to my colleague, to write into it what two centuries have blotted out—to revive a corpse nowise buried in the time of Queen Anne—to re-introduce into the Endowment a rigour of intolerance, which the common interests of all concerned—the conviction that the "consumptive" tendencies that the founder lamented, would otherwise end in rapid death—and lapses of time, and the sense of justice, had combined to expel from it, under the inevitable fate that awaits all attempts to usurp upon the province of conscience—to stamp upon futurity the image of tyranny over the mind—to imitate the foolish king and lay bonds upon the ocean.

Of course I cannot but know that there is a large class in this country that perform interest and enclose to high-flown enthusiasm for right. Yet I cannot but believe, at the same time, that there are a great many enlightened Protestants who, at least, if they were satisfied that there was no unjust invasion of their right, would not wish this sore to continue, or to approve of a course that can have no other object but to poison, even from the fountain, the stream that has flowed in their midst, from which Catholics were found willing to draw, when it was pure from danger or offence to their religion. Of such a disposition I take an example from the junta presented by a distinguished member of the Presbyterian body, Dr. Todd Martin, to the Commission of 1878. After referring to the Royal Schools, and stating that his community desired to see established, on the non-sectarian principle, a complete system of schools, bringing the advantages of secondary education within the reach of the entire population, and that the denominational character of those schools was a hindrance to their popularity and usefulness, he says, with reference to the Erasmus Smith endowment:—

"If it should seem good to the Legislature to apply these funds solely for educational purposes, without reference to religion as distinction, . . . . the Presbyterians would offer in this case no objection."

I quote this as the expression of a just and unbiased mind, unconnected with institutions which introduce into the question the obstructing elements of power

\* Rep. 1884-85, p. 72.

† Rep. 1854-55, p. 69.

‡ Rep. 1880-81, Vol. 4, p. 210, Q. 682.

and privilege and interest—when left to the influence of natural judgment, and before those whom the author represented were drawn away by temptations of advantage from the cause of religious equality.

In the resolution that my colleague has formed, not perhaps, if I am at liberty to form any conjecture, without some constraint on his natural instincts, to anchor his ship to a shore that the waters have left ages ago, he has appealed, in the only document by which I can fix the authentic expression of his views, to the reports of Commissions, some of which I have not the means of seeing at present, and among the rest, of the Commission of 1854-55, as classifying Endowed Schools, as those into which one religious denomination alone has a right to be admitted. The definition, as quoted, leaves out the other branch of exclusion—that the trustees are of one religious persuasion—which is one of the two grounds on which the Endowment was decided not to be exempt from this Commission. Unfortunately for the value of their opinion, the case is outside the tests of exclusiveness laid down, for the strict right exists, and they have receded the fact themselves, that it was continually exercised, which shows they did not understand their own definition. But the value of their judgment, on the legal question, may still further be judged from the fact, which is stated by them, that they never saw the Indenture of 1657 at all, the foundation of the Endowment, until after their Report. But I really fail to understand distinctly what is the effect upon the question attributed to those statements in Reports of Commissions. They are not statements of fact, but of impressions or conclusions which, in this case, the facts themselves subvert; and, as opinions on legal questions, of course they are of no account. The bluebooks go one way, and the outer mankind go another. In the literature that is identified with the name of the late Mr. Hancock, it is all quite regular; but in the outside world, it is all more liberal. What would my colleague, with his distinguished legal acquirements, think of a claim to private property, which was evidenced by a chain of documents, all in beautiful order and sequence, but to which there were no facts corresponding in external physical reality? Of course he could not be deceived by such a thing. Yet, in what respect different is this argument from Reports of Commissions, opposed, as they are, to the whole current of facts! However, as he has dwelt so much on this kind of argument, and, turning away from what has gone on in the world, finds himself upon a kind of apostolical succession of bluebooks, I must point out that there is a break in the succession, which my colleague has himself considered it necessary to anticipate. There are Commissions against Commissions. For mere unchristian testimony comes up from a period, not less than 100 years ago—from the Commission of 1791, the Report of which contains this remarkable passage<sup>1</sup>:

"The Schools of Erasmus Smith, though originating in the intentions of a private individual, yet, from the repeated interpositions of the Legislature, and of the Crown, may now be considered as public institutions."

That subverts the ground, otherwise entirely untenable, on which one of the opinions quoted on this subject is based. That is the common sense and reality of the whole business—the impression on the minds of all people who have grown up in the country, and have their eyes open to the means of education. Time, convenience, legislation, interest, necessity, the ambition of youth, thirst for knowledge, and the willingness to satisfy it, have utterly transformed the Endowment, so as to prevent it from being confined into the narrow category of a personal possession, and withdrawn from the power of the State to deal with in the interest of the community.

This is not the occasion for a legal discussion, with which indeed the question is already overloaded,

because by what has happened it has passed away from a tribunal comprising legal elements. But, lest I should be supposed to acquiesce in some of the arguments that have been used, I consider it right to state that, in my opinion, neither the case of Hall's Charity that was before Sir Edward Sullivan, nor any of the other decisions, either with reference to the principle of the Court of Chancery, or to the right of this Commission to be substituted for it, have any application whatever to the present Endowment. Those were cases where, by reason of the class being general, the conformity to certain religious rules or observances was what made members of the class eligible to the advantages of the Endowment, and became in reality part of the qualification. Here, the religion is not the qualification at all, but the special relation to the property of the founder is the qualification—which relation was to be perpetual. The class was not a general, but a special one, holding a fixed and invariable relation, to which accidental or varying description, such as that of the poor, could not answer.

In the course of the argument, counsel was invited by the Lord Justice to consider whether the English Act threw any light upon the duty of the Commissioners in framing Schemes, and he replied that it gave no assistance, on account of the difference of the statutes. But, turning to me, where he found no assistance, whether any was to be found against him, I find the English Act affords a most powerful argument adverse to the view taken by my colleague. For the 17th section of the English Act declares that—

"In every scheme (except as thereafter mentioned) relating to any educational endowment, the Commissioners shall provide that the religious opinion of any person, or his adherence or non-adherence at any particular time of worship, shall act in any way affect his qualification for being one of the Governing Body of such endowment."

So that, if the Endowment were in England, and Erasmus Smith had enacted in the most express manner that his Governors should be Protestants, which is not the case here, it would be the duty of the Commissioners to order the contrary. What is the "exception heretofore mentioned"? The exception is where religious teaching is prescribed by the terms of the Endowment—

"Which terms have been observed down to the commencement of this Act."

What would become of Usher's Catechism under this last clause? For no one says that the terms of Erasmus Smith have been observed down to the present time. All the evidence is, that the terms have been distinctly violated. That is as to the Governing Body. Then as to the pupils. The exception contains an exemption within it, which preserves the right of the parent or guardian to object absolutely to the religious teaching, and to insist upon all the advantages of the education being afforded to a day pupil, even if he be objected to as a boarder. And, as it is observed, the provisions in the English Act are all negative as to interference with religion, and give the Commissioners affirmatively no power whatever to introduce any religious qualification or restriction. These are emphatic declarations of public policy, which it would be ridiculous simply in this Commission to fly in the face of; and they are a significant omen of what will happen, when the singular bitterness of intolerance in this country comes to be exposed to the broad light of imperial justice.

I am of opinion that, according to the true principles of the Court of Chancery, the intention of Erasmus Smith is provide for the education of his tenants must prevail, whatever other intention he had, even if there were no statute at all upon the subject. I am also of opinion that the statute, having regard to the exception, gives no authority whatever to this Commission concerning religion, either in the government

<sup>1</sup> See Rep. 1854-5, Vol. II., p. 281.

OCT. 22. 1884.

or the education. I am still further of opinion that, if such a power existed, it would be an improper discretion to exercise it. I am, moreover, of opinion that it cannot be a compliance with the requirement of the Act of Parliament to make endowments more available for education, to establish a system which shall exclude persons from availing themselves of it. And I am of opinion, in conclusion, that the proposition to establish a Protestant government, with the power to direct religious teaching for schools to which Catholics may find admission, either by right or by concession is, to the last degree, arrogant and unjust.

From the first I could not but be under apprehensions, without any desire whatever to realize them, that the recession by the Protestant community for so long a time of this Endowment—the belief, which I cannot but consider to be sincere in the minds of many of them—that they were sought to be deprived of what was their property, and the various personal interests, no less than feelings intertwined with it, would bring into collision such fundamental differences of opinion, that there was little chance that this question could ever be settled except by legislation—except by an appeal to Parliament to declare what was its own mind in passing this statute—that the case of Erasmus Smith would be found to be "the breaking point" of the Commission—and that those differences could not in any way be stilled, or buried, or ground down together, without agreement on the principle of absolute neutrality. Compromise was impossible, and any attempt in that direction would infallibly be used to wreck any scheme founded on it. Protestants claimed the whole property as their absolute and exclusive right. The tenants on the other hand insist that they are entitled to the benefits of the Endowment. There is no principle of division, for there are none among whom to divide, at least, in any other proportion than 98 per cent.

Nothing remains, therefore, in this conflict of interests and views, but the enforcement of the supreme power of the State, to remedy a crying and intolerable grievance, that has come np again and again for years, and most certainly never will be silent. This scheme which my colleague has refused to sign, and which was approved by the majority of the Commission, and

was prepared by our late valued colleague, Professor Dougherty, with great labour and care, and loyal attachment to tolerant principles, and with an entire mastery of the whole round of the system of public education, is a complete and perfect basis of an Act of Parliament, constructed perhaps with a greater expenditure of thought and care and mind than a public assembly can bestow, if the Legislature desires to give effect to its established principles of religious equality.

In arriving at a conclusion upon this question different from that of my eminent colleague, it was my duty, at least, whether or not imperfectly performed, to remove from my mind all conscious influence from difference of religion that might lead me into error—might cause me to do any wrong to my Protestant fellow-countrymen, or to be wanting in the trust of Justice confided to me. That trust makes me the enemy of all wrong, of all spoliation whatever, committed against any class or institution or religion. So does irreconcileable personal feeling. So does, not less, the conviction of the mischief that finally results from all interference with other persons' rights. Spoliation or restitution—that is the question; and restitution, by inexorable law, follows spoliation. We can, perhaps, even in our own experience and country, follow down invasions of right, from remote time, into consequences of disaster that have fallen even upon the innocent. Time, like the sea which is said to gather its own wrecks perpetually, collects from distant periods all the results of wrong and violence, and reserves them for final quittance, sooner or later, in one way or another, sometimes by law, sometimes by lawlessness, sometimes by revolution, conforming, in the excesses of the retribution, all reason and justice, until, by the final operation of that instinct of justice that nature has planted in men, and that outlasts all wrongful power, all things are set right in the end, and the web that wrong and injustice have woven, with whatever subtlety or strength, is slowly, but surely and persistently, unwoven to the last thread. That may happen in this case. For I am persuaded that the claim of the tenants of Erasmus Smith to the benefit of this Endowment never can and never will be shaken off.

The Judicial Commissioners adjourned,

## APPENDIX B.

### DOCUMENTS.

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#### No. I. (a.)

ORDER OF PRIVY COUNCIL, dated March 30, 1893, extending the POWERS of the COMMISSION.  
By the LORDS JUSTICES and PRIVY COUNCIL in IRELAND,

*S. WALKER, Q.C.*  
*WOLSELEY, Genl.*

Whereas, by the Educational Endowments (Ireland) Act, 1880, Sec. 32, it was amongst other things enacted that the powers of making and approving of Schemes, under the said Act, should not, unless continued by Parliament, be exercised after the 31st December, 1888:

And whereas the powers aforesaid have been continued from time to time by Parliament, and will expire upon the 31st March, 1893, and it is by the said Act, sec. 32, amongst other things provided that it shall be lawful for the Lord Lieutenant in Council, if special cause is shown, to extend the time limited as aforesaid, with reference to any Endowments specified by the Lord Lieutenant:

And whereas, by the said Act, sec. 32, it is provided that Schemes may be from time to time framed and approved for amending any Scheme approved under the same, and that all the provisions of the said Act relative to an original Scheme shall apply also to an amended Scheme mutatis mutandis:

And whereas a large number of Schemes have been prepared and approved in pursuance of the said Act for the future government and management of Educational Endowments in Ireland, and by reason of the pressure of business, the peculiarity of the enquiries and other proceedings prescribed by the said Act, the dates at which application was made for the making of Schemes, and other special causes which has been shown to the satisfaction of the Lord Lieutenant, the Endowments comprised or intended to be comprised in the several Pending Schemes, Draft Schemes, and Intended Schemes, specified and set forth by the Lord Lieutenant in the Schedule annexed to this Order, have not yet been fully dealt with under the said Act, and it is expedient and necessary that the time limited for making and approving Schemes under the said Act, and the powers of making and approving the same, shall be extended with reference to all such Endowments as hereinafter provided:

Now We, the LORDS JUSTICES-General and General Governors of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland in pursuance and by virtue of the Educational Endowments (Ireland) Act, 1880, and the Acts continuing the same, and of all other powers Us thereto enabling, do hereby order and declare that, from and after the date of this Order, the powers of making and approving Schemes under the said Act shall be continued, and the time limited for the exercise of such powers shall be extended, to and until the 31st day of December, 1893, and to such later date, and for such further time as may be by the Lord Lieutenant in Council be found necessary for the completion of any Scheme or Schemes which may be still pending and uncompleted at the date aforesaid, in reference to all and singular the Endowments comprised in or within

the scope of the several Schemes, Draft Schemes, and Intended Schemes, specified in the Schedule herein:

And it is hereby further ordered and declared that the continuance and extension of the powers aforesaid hereby authorized shall include the power of framing and approving Schemes for amending any or every original Scheme or original Schemes approved or published, or which may hereafter be approved or published, under the said Act, in any matter with which it may be found expedient to deal by way of Amending Scheme, and shall also include the power of bringing under the operation of any Scheme, by way of Amending Scheme, all or any Endowments, being within the scope of such Original Scheme, which it may appear expedient to add to the Endowments included therein.

Given at the Council Chamber, Dublin Castle, the 30th day of March, 1893.

John Moxley. P. J. Keenan,  
MacDermot, A.G.

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SCHEDULE referred to in the foregoing Order in Council.

#### A.—ENDOWMENTS DEALT WITH IN SCHEMES ALREADY PUBLISHED.

1. No. 54—Roanborough-road School, Limerick.
2. No. 61—Larne Grammar School.
3. No. 63—Munster Dairy School and Agricultural Institute.
4. No. 71—Strabane Academy.
5. No. 76—Parochial Schools of the Diocese of Limerick.
6. No. 89—Parochial Schools of the Diocese of Down and Connor and Dromore.
7. No. 90—Diocesan Schools and Banagher Royal School Endowments.
8. No. 95—Leamy Endowment, Limerick.
9. No. 99—Bangor Endowed School.
- \*10. No. 100—Taie School, Wexford.
- \*11. No. 102—The Parochial Schools of the Diocese of Cork.
- \*12. No. 104—The Parochial Schools of the Diocese of Killala and Achonry.
13. No. 105—Midleton Endowed School.
- \*14. No. 106—John Ivory's School, New Ross.
15. No. 107—The Killinchy Schools.
16. No. 110—The Crofton Endowments, Clandaffid.
17. No. 111—The Preston Endowment, Ballyroan School, etc.
18. No. 113—The Uriel Paul Endowment.
19. No. 114—Lismore Endowed School.
- \*20. No. 115—Endowments belonging to the Presbytery of Clogheen.
- \*21. No. 117—The Leigh Charity.
22. No. 119—Endowments belonging to the Presbytery of Cavan.

\* Signed by the Judicial Commissioners.

23. No. 120.—Endowments belonging to the Presbytery of Tyrone.  
 \*24. No. 121.—The General Orphan Home Endowments.  
 \*25. No. 122.—John Sharp's Endowment, Ballycastle.  
 26. No. 123.—The Charleville Endowment.  
 27. No. 125.—The Charlton Charity.  
 28. No. 127.—The Parochial Schools of the Diocese of Omagh.  
 29. No. 128.—The Banks Endowment, EyreCourt.  
 30. No. 129.—The Hon. Michael Ward's Endowment.  
 31. No. 130.—The Parochial Schools of the Diocese of Elphin.  
 32. No. 131.—The Kilmeague School and Perseval Endowment.  
 33. No. 132.—Endowments belonging to the Presbytery of Dromore.  
 34. No. 133.—Endowments belonging to the Presbytery of Derry.  
 35. No. 134.—The Lyons Endowment, Loughrea.  
 36. No. 135.—The Parochial Schools of the Diocese of Tuam.  
 37. No. 136.—The Sandford Endowment, Castlerea.  
 38. No. 137.—Endowments belonging to the Presbytery of Cavan.  
 \*39. No. 138.—The Bradacourt Hall, and Callan Street Schools, Armagh, and Prinie Robinson's Armagh Loan Fund.  
 40. No. 139.—Endowments belonging to the Presbytery of Cork.  
 \*41. No. 140.—The Coleraine Academical Institution.  
 42. No. 141.—The Parochial Schools of the United Diocese of Armagh and Aghadoe.  
 43. No. 142.—The City of Cork Parochial Schools, and Cork, Clonyn, and Ross Parochial Schools—Amending Scheme.  
 44. No. 143.—The Viscount Limerick's Endowment.  
 45. No. 144.—The Erasmus Smith Endowments.  
 46. No. 145.—The Cranke Endowment, Ballymoney.  
 47. No. 146.—The Endowments of and belonging to the First Derry Presbyterian Church in the City of Londonderry.  
 48. No. 147.—The Parochial Schools of the united Diocese of Dublin, Glendalough, and Kildare.  
 49. No. 148.—The Killenney Subscription School.  
 50. No. 149.—The Pembroke Technical School.  
 51. No. 150.—Drogheda Blue School.  
 52. No. 151.—Endowments belonging to the Presbytery of Rathcoole.  
 53. No. 152.—Ballylatty Parochial School.  
 54. No. 153.—Dublin Protestant Reformatory Schools.  
 55. No. 154.—The Madden Endowment.  
 56. No. 155.—The St. Leger Aldworth Endowment.  
 57. No. 156.—The Drimod School and Warren Endowment.  
 58. No. 157.—Endowments belonging to the Presbytery of Letterkenny.  
 59. No. 158.—Parochial Schools of the City of Dublin, &c.  
 60. No. 159.—Chetwode's and Stearne's Charity.  
 61. No. 160.—Endowments belonging to the Presbytery of Lisnarey.  
 62. No. 161.—Rathdown Township Sunday and Daily Schools.  
 63. No. 162.—The McGowan Endowments, &c.  
 64. No. 163.—Lord Weymouth's Grammar School, Carrickmacross.  
 65. No. 164.—Portarlington Free School.
56. No. 165.—Dungonnell School, Kilrea.  
 57. No. 166.—Endowments belonging to the Presbytery of Tempatpatrick.  
 58. No. 167.—Gardiner's Charity and Lovett Charity.  
 59. No. 168.—Endowments belonging to the Presbytery of Glendermot.  
 60. No. 169.—Endowments belonging to the Presbytery of Strabane.  
 71. No. 170.—Edward's Endowment, Castlederg.  
 72. No. 171.—Alexandra College and Alexandra School—Amending Scheme.  
 73. No. 172.—Endowments belonging to the Presbytery of Coleraine.  
 74. No. 173.—Belfast Natural History and Philosophical Society — Amending Scheme.  
 75. No. 174.—Parochial Schools of the Diocese of Armagh—Amending Scheme.  
 76. No. 175.—Baltimore Fishery School—Amending Scheme.  
 77. No. 176.—Swords Borough Schools—Amending Scheme.  
 78. No. 177.—Methodist Female Orphan School, Dublin—Amending Scheme.  
 79. No. 178.—The Endowments of and belonging to Congregations under the care of the Presbytery of Omagh.  
 80. No. 179.—The Endowments belonging to the Presbytery of Donegal.  
 81. No. 180.—Parsons Perse's Endowment, county Galway.  
 82. No. 181.—Morgan's School, Castlisknock — Amending Scheme.  
 83. No. 182.—Carrie School, Belfast—Amending Scheme.  
 84. No. 183.—Brown's Apprenticeship Fund, Carlow.  
 85. No. 184.—The Endowment belonging to the Presbytery of Backbridge—Amending Scheme.  
 86. No. 185.—The Endowments belonging to the Presbytery of Dublin—Amending Scheme.  
 87. No. 186.—The Endowments belonging to the Presbytery of Rathfriland.  
 88. No. 187.—The Robertson Endowments and other Endowments in the Diocese of Rathcoole—Amending Scheme.  
 89. No. 188.—Ossack Apprenticeship Fund, Athboy.  
 90. No. 189.—Mason Blue School, Lady Lane, Waterford.  
 91. No. 190.—Stratford Lodge Schools, Baltinglass.  
 92. No. 191.—The Endowments belonging to the Presbytery of Armagh.  
 93. No. 192.—Glenarm Parochial School.  
 94. No. 193.—Church of Ireland Training College and Kildare Place Society — Amending Scheme.  
 95. No. 194.—Sullivan's Schools, Hollywood — Amending Scheme.  
 96. No. 195.—The Orilly School and Pettigrew Endowment, Aghadoe.  
 End of section A of Schedule.

#### B.—ENDOWMENTS FOR WHICH SCHEMES ARE IN PREPARATION.

1. Irish Clergy Daughters School.
2. The Damer Unitarian Schools, Stephen's Green, Dublin.
3. Clonmel Charitable School.
4. Crum Kill School.
5. Endowments belonging to the Presbytery of Down.
6. Osten School, Mullahrock.

7. Jackson's Schools, Monaghan.
8. Kirkpatrick Endowment, Larne.
9. North East Agricultural Association.
10. The Endowments belonging to the Presbytery of Belfast.
11. The Endowments belonging to the Presbytery of Athlone.
12. Tullycavvy Grey Abbey School.
13. Parochial Schools of the Diocese of Meath—Amending Scheme.
14. The Gwyn and Young Endowments—Amending Scheme.
15. St. Peter's Schools and Mrs. Wrey's School—Amending Scheme.
16. Joseph Brown's Endowment, Ards—Amending Scheme.
17. Brown Street Sunday and Daily Schools, Belfast—Amending Scheme.
18. Endowments of the Ebenezer Chapel, Belfast.
19. Endowments of the Incorporated Society in Dublin for promoting English Protestant Schools in Ireland.
20. The Lake Burns Endowment, county Sligo.

By Order,

N. D. MURRAY, Secretary.

March 27th, 1893.

## No. I. (b)

ORDER in COUNCIL, dated December 23, 1893, further extending the Powers of the COMMISSIONER  
By the Lord Lieutenant and Privy Council in Ireland.

## HOUGHTON.

Whereas, by the Educational Endowments (Ireland) Act, 1888, Sec. 38, it was amongst other things enacted that the power of making and approving of Schemes, under the said Act, should not, unless continued by Parliament, be exercised after the 31st December, 1888:

And whereas the powers aforesaid were continued from time to time by Parliament until March 31st, 1893, and it was by the said Act, sec. 38, amongst other things provided that it should be lawful for the Lord Lieutenant in Council, if special cause was shown, to extend the time limited as aforesaid, with reference to any Endowments specified by the Lord Lieutenant:

And whereas, by Order in Council, dated March 20th, 1893, the powers aforesaid were extended by the Lord Lieutenant in Council, to December 31st, 1893, pursuant to section 38 of the said Act, upon special cause shown, with respect to the Endowments specified in the Schedule to the said Order, which included the Endowments specified in the Schedule to this Order:

And whereas, by reason of the pressure of business, the pendency of the proceedings prescribed by the said Act, the date at which application was made for the making of Schemes, and other special cases which have been shown to the satisfaction of the Lord Lieutenant, the Endowments comprised or intended to be comprised in the several Pending Schemes and Draft Schemes, published by the Commissioners under the said Act, and specified and set forth by the Lord Lieutenant in the Schedule annexed to this Order, have not yet been fully dealt with under the said Act, and it is expedient and necessary that the time limited for making and approving Schemes under the said Act, and the powers of making and approving the same, shall be further extended with reference to the said Endowments as hereinafter provided:

Now We, the Lord Lieutenant-General and General Governor of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland, in pursuance and by virtue of the Education Endowments (Ireland) Act, 1888, and the Acts continuing the same, and of all other powers thereunto enabling, do hereby order and declare that, from and after the date of this Order, the powers of making and approving Schemes under the said Act shall be continued, and the time limited for the exercise of such powers shall be extended to and until the 31st day of July, 1894, and to such later date, and for such further time, as may by the Lord Lieutenant in Council be found necessary for the

completion of any Scheme or Schemes which may be still pending and uncompleted at the date aforesaid, with reference to all and singular the Endowments comprised in or within the scope of the several Schemes and Draft Schemes specified in the Schedule hereto.

And it is hereby further ordered and declared that the continuance and extension of the powers aforesaid herein authorized shall include the powers of framing and approving Schemes for amending any or every original Scheme or original Schemes approved or published, or which may hereafter be approved or published, under the said Act, in any matter with which it may be found expedient to deal by way of Amending Schemes, and shall also include the power of bringing under the operation of any Scheme, by way of Amending Schemes, all or any Endowments, being within the scope of such Original Scheme, which it may appear expedient to add to the Endowments included therein.

Given at the Council Chamber, Dublin Castle, the 23rd day of December, 1893.

S. WALKER, C.  
MACDEARMOT, A.C.  
P. J. KERRAN.  
JOSEPH M. MURRAY.  
THOMAS A. DICKSON.

## SCHEDULE

- SCHMIES AND DRAFT SCHMES referred to in the foregoing Order in Council.
- \*1. No. 62—Minster Dairy School and Agricultural Institute.
  - \*2. No. 71—Strabane Academy.
  3. No. 76—Parochial School of the Diocese of Limerick.
  4. No. 90—Diocesan Schools and Banagher Royal School Endowments. Remitted.
  - 4a. No. 54—Roxburgh Road School, Limerick.
  - \*5. No. 93—Leamy Endowment, Limerick.
  - \*6. No. 103—Midleton Endowed School.
  - \*7. No. 107—The Ellinstown Schools.
  - \*8. No. 119—The Crofton Endowments, Clondalkin.
  - \*9. No. 111—The Preston Endowment, Ballyroan School, etc.
  - \*10. No. 118—The Uriel Paul Endowment.
  - \*11. No. 114—Lissabon Endowed School.
  - \*12. No. 117—The Leigh Charity. Remitted.
  - \*13. No. 119—Endowments belonging to the Presbytery of Cavan.
  - \*14. No. 125—The Charlton Charity.

\* Signed by the Judicial Commissioners.

- \*15. No. 127—The Parochial Schools of the Diocese of Cloyne.
- \*16. No. 128—The Banks Endowment, Eyrecoate.
- 16a. No. 130—The Parochial Schools of the Diocese of Elphin.
- 17. No. 131—The Kilmacogue School and Pocival Endowment.
- \*18. No. 134—The Lyons Endowment, Longbreen.
- \*19. No. 135—The Parochial Schools of the Diocese of Tuam.
- \*20. No. 136—The Sandford Endowment, Castlerea.
- \*21. No. 137—Endowments belonging to the Presbytery of Comber.
- \*21a. No. 141—The Parochial Schools of the United Diocese of Ardagh and Cashel.
- \*22. No. 142—The City of Cork Parochial Schools, and Cork, Clonakilty, and Ross Parochial Schools—Amending Scheme.
- 23. No. 143—The Viscount Limerick's Endowment.
- 24. No. 144—The Erasmus Smith Endowments.
- \*25. No. 145—The Cranage Endowment, Ballymoney.
- \*26. No. 146—The Endowments of and belonging to the First Derry Presbyterian Church in the city of Londonderry.
- \*27. Nos. 147 and 158—The Parochial Schools of the United Dioceses of Dublin, Glendalough, and Kildare.
- 28. No. 148—The Kilkenney Subscription School.
- \*29. No. 150—Drogheda Blue School.
- \*30. No. 151—Endowments belonging to the Presbytery of Rathfarnham.
- \*31. No. 162—Ballyfutty Parochial School.
- \*32. No. 163—Dublin Protestant Infirmary Schools.
- \*33. No. 166—The Dromore School and Warren Endowment.
- \*34. No. 187—Endowments belonging to the Presbytery of Letterkenny.
- \*35. No. 189—Chatwode's and Stearne's Charity.
- \*36. No. 190—Endowments belonging to the Presbytery of Lisnaskeagh.
- \*37. No. 161—Rathkeale Township Sunday and Daily Schools. Remitted.
- \*38. No. 169—The McGowan Endowments, &c.
- 39. No. 165—Lord Weymouth's Grammar School, Carrickmacross.
- \*40. No. 166—Dungannon School, Killanen.
- \*41. No. 166—Endowments belonging to the Presbytery of Templepatrick.
- \*42. No. 157—Gardiner's Charity and Lov's Charity.
- \*43. No. 166—Endowments belonging to the Presbytery of Glendalough.
- \*44. No. 169—Endowments belonging to the Presbytery of Strabane.
- \*45. No. 170—Edwards Endowment, Castladerg.
- \*46. No. 172—Endowments belonging to the Presbytery of Coleraine.
- \*47. No. 174—Parochial Schools of the Diocese of Armagh. Amending Scheme.
- \*48. No. 178—The Endowments of and belonging to Congregations under the care of the Presbytery of Omagh.
- \*49. No. 179—The Endowments belonging to the Presbytery of Donegal.
- 50. No. 180—Parson Perse's Endowment, county Galway.
- \*51. No. 185—Brown's Apprenticeship Fund, Carlow.
- \*52. No. 184—The Endowment belonging to the Presbytery of Banbridge—Amending Scheme.
- \*53. No. 185—The Endowments belonging to the Presbytery of Dublin—Amending Scheme.
- \*34. No. 186—The Endowments belonging to the Presbytery of Rathfriland.
- \*55. No. 187—The Robertson Endowments and other Endowments in the Diocese of Raphoe—Amending Scheme.
- \*66. No. 188—Cusack Apprenticeship Fund, Athboy.
- \*57. No. 189—Mason Blue School, Lady Lane, Waterford.
- \*58. No. 190—Stratford Lodge Schools, Baltinglass.
- \*59. No. 191—The Endowments belonging to the Presbytery of Armagh.
- 60. No. 192—Glenside Parochial School.
- \*61. No. 193—Church of Ireland Training College—Amending Scheme. Remitted.
- \*62. No. 194—Sullivan's Schools, Hollywood—Amending Scheme.
- \*63. No. 195—The Orilly School and Pettigrew Endowment, Aggleton.
- \*64. No. 196—Endowments belonging to the Presbytery of Down.
- \*65. No. 197—The School for Educating Daughters of the Irish Clergy.
- 66. No. 198—The Cronkhill School, Connor.
- \*67. No. 199—Endowments belonging to the Presbytery of Belfast.
- \*68. No. 200—The Dancer Schools, Stephen's Green, Dublin.
- \*69. No. 201—The Brown-street Sunday and Daily Schools, Belfast — Amending Scheme.
- \*70. No. 202—Joe Brown's Endowment, county Down—Amending Scheme.
- 71. No. 203—The Tullycovey School, Gray Abbey, county Down.
- 72. No. 204—The Kirkpatrick Endowment, Larne.
- \*73. No. 205—The Culcaigh School and McCraight Endowment.
- \*74. No. 206—The North-east Agricultural Association.
- \*75. No. 207—Endowments belonging to the Presbytery of Athlone.
- 76. No. 208—St. Peter's Schools and Lesson Street Infant School—Amending Scheme.
- 77. No. 209—The Parochial Schools of the Diocese of Meath and the Ardkeenan Endowment.
- 78. No. 210—The Incorporated Society for Promoting Protestant Schools in Ireland.
- 79. No. 211—The Gwyn and Young Endowments —Amending Scheme.
- \*80. No. 212—Endowments belonging to the Presbytery of Dromore — Amending Scheme.
- 81. No. 213—Endowments belonging to the Presbytery of Derry—Amending Scheme.
- 82. No. 214—Parochial Schools of the Dioceses of Down and Connor and Dromore—Amending Scheme.
- 83. No. 215—The Jackson Endowment, Monaghan.
- 84. No. 216—Endowments belonging to the Presbytery of Raphoe — Amending Scheme.
- 85. No. 217—Parochial Schools of the Dioceses of Cork, Clonakilty, and Ross—Further Amending Scheme.
- 86. No. 218—The Glanmire Parochial School, and the Ladysmith and Fawcett Endowments.

By Order,

N. D. MURPHY, Secretary

December 20, 1893.

\* Signed by the Judicial Commissioners.

## No. I. (c.)

ORDER IN COUNCIL, dated July 26, 1894, further extending the POWERS of the COMMISSIONS.

By the Lord Lieutenant and Privy Council in Ireland.

HOUGHTON.

WHEREAS, by the Educational Endowments (Ireland) Act, 1885, sec. 38, it was amongst other things enacted that the powers of making and approving of Schemes, under the said Act, should not, unless continued by Parliament, be exercised after the 31st December, 1888;

And whereas the powers aforesaid were continued from time to time by Parliament until March 31st, 1893, and it was by the said Act, sec. 38, amongst other things provided that it should be lawful for the Lord Lieutenant in Council, if special cause was shown, to extend the time limited as aforesaid, with reference to any Endowments specified by the Lord Lieutenant;

And whereas, by Order in Council, dated March 30th, 1893, the powers aforesaid were extended by the Lord Lieutenant in Council to December 31st, 1893, pursuant to section 38 of the said Act, upon special cause shown, with respect to the Endowments specified in the Schedule to the said Order, which included the Endowments specified in the Schedule to this Order:

And whereas, by Order in Council, dated December 13th, 1893, the powers aforesaid were further extended by the Lord Lieutenant in Council, to July 31st, 1894, pursuant to the said last-mentioned section of the said Act, upon special cause shown, with respect to the Endowments specified in the Schedule to the said last-mentioned Order, which included the Endowments specified in the Schedule to this Order:

And whereas, by reason of the pendency of the proceedings prescribed by the said Act, the date at which application was made for the making of Schemes, and other special cause which has been shown to the satisfaction of the Lord Lieutenant, the Endowments comprised or within the scope of the several pending Schemes and Draft Schemes, published by the Commissioners under the said Act, and specified and set forth by the Lord Lieutenant in the Schedule annexed to this Order, have not yet been fully dealt with under the said Act, and it is expedient and necessary that the time limited for making and approving Schemes under the said Act, and the powers of making and approving the same, shall be further extended with reference to the said Endowments as hereinafter provided:

Now We, the Lord Lieutenant-General and General Governor of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland, in pursuance and by virtue of the Educational Endowments (Ireland) Act, 1885, and the Acts continuing the same, and of all other powers Us thereunto enabling, do hereby order and declare that, from and after the date of this Order, the powers of making and approving Schemes under the said Act shall be continued, and the time limited for the exercise of such powers shall be extended to and until the 31st day of December, 1894, and to such later date, and for such further time, as may by the Lord Lieutenant in Council be found necessary for the completion of any Scheme or Schemes which may be still pending and uncompleted at the date aforesaid, with reference to all and singular the Endowments comprised in or within the scope of the several Schemes and Draft Schemes specified in the Schedule hereto.

And it is hereby further ordered and declared that the continuance and extension of the powers aforesaid hereby authorized shall include the power of framing and approving Schemes for amending any or every original Scheme or original Schemes approved or published under the said Act, in any matter with which it may be found expedient to deal by way of Amending Schemes, and shall also include the power of bringing under the operation of any Scheme, by way

of Amending Scheme, all or any Endowments, being within the scope of such Original Scheme, which it may appear expedient to add to the Endowments included therein.

Given at the Council Chamber, Dublin Castle, the 16th day of July, 1894.

S. WALKER, C. P. J. KENYAN,  
MacDermot, A.G. JOSEPH M. MEADE.

SCHEDULE—SCHEMES AND DRAFT SCHEMES referred to in the foregoing Order in Council.

- \*1. No. 78.—Parochial Schools of the Diocese of Limerick.
- \*2. No. 90.—Diocesan Schools and Banagher Royal School Endowments.
- \*3. No. 110.—The Crofton Endowments, Clandrohid.
- \*4. No. 111.—The Preston Endowment, Ballyroan School, etc.
- \*5. No. 114.—Lismore Endowed School.
- \*6. No. 125.—The Charities Charity.
- \*7. No. 126.—The Banks Endowment, Burren.
- \*8. No. 131.—The Kilmeague School and Peacock Endowment.
- \*9. No. 134.—The Lyons Endowment, Leighlin.
- 10. No. 143.—The Viscount Limerick's Endowment.
- 11. No. 144.—The Erasmus Smith Endowments.
- \*12. No. 145.—The Ormonde Endowment, Ballymoney.
- 13. No. 148.—The Kilkenny Subscription School.
- \*14. No. 151.—Endowments belonging to the Presbytery of Baghroe.
- \*15. No. 157.—Endowments belonging to the Presbytery of Letterkenny.
- \*16. No. 159.—Chetwode's and Stann's Charity.
- \*17. No. 159.—The McGowan Endowments, &c.
- 18. No. 163.—Lord Weymouth's Grammar School, Carrickmacross.
- \*19. No. 165.—Dungannon School, Killad.
- \*20. No. 168.—Endowments belonging to the Presbytery of Clonakilty.
- \*21. No. 172.—Endowments belonging to the Presbytery of Coleraine.
- 22. No. 180.—Parsons Pemse Endowment, county Galway.
- \*23. No. 185.—The Endowments belonging to the Presbytery of Rathfriland.
- \*24. No. 190.—Stratford Lodge Schools, Baltinglass.
- 25. No. 192.—Clonard Parochial School.
- \*26. No. 193.—The Crilly School and Pettigrew Endowment, Aghalee.
- 27. No. 196.—The Creggill School, Creggan.
- 28. No. 203.—The Tullyeskey School, Grey Abbey, county Down.
- 29. No. 204.—The Kirkpatrick Endowment, Larne.
- 30. No. 211.—The Gwyns and Young Endowments—Amending Schemes.
- 31. No. 214.—Parochial Schools of the Dioceses of Down and Connor and Dromore—Amending Schemes.
- 32. No. 216.—The Jackson Endowments, Monaghan.
- 33. No. 216.—Endowments belonging to the Presbytery of Raphoe—Amending Schemes.
- 34. No. 217.—Parochial Schools of the Dioceses of Cork, Cloyne, and Ross—Further Amending Schemes.
- 35. No. 216.—The Clogher Parochial School, and the Ladyman and Pomeroy Endowments.
- 36. No. 219.—The Parochial Schools of the Diocese of Dublin; St. Nicholas Without and St. Luke.

By order,

July 21st, 1894.

N. D. MURPHY, Secretary.

\* Signed by the Judicial Commissioners.

## THE ERASMUS SMITH ENDOWMENTS.

## No. II. (a)

## STATEMENT of DR. WILSON as to a SCHEME for the ERASMUS SMITH SCHOOL ENDOWMENTS.

**First.**—The funds in this case were not provided from National sources, and should not be controlled by National policy. They were the gift of Erasmus Smith, and the Scheme should be framed in accordance with his intentions.

**Secondly.**—The documents written or accepted by him supply abundant evidence that he ardently sought to propagate the Protestant faith among the children of his tenants, and of others in the surrounding districts, and that he hoped to accomplish this by giving a good secular education to all of them free of cost, placing them at the same time in the schools provided for them, under teachers who would pray with them twice daily, expound the scriptures to them, and instruct them in a Protestant catechism. With the same object, he further directed that, when the children were being sent to trade, they should be apprenticed to Protestant masters, and aided at a Protestant University if they sought higher education.

Thus his design was to draw the children at his Schools from Roman Catholicism to Protestantism. We may agree with him in this attempt to proselytise his tenants and others, or we may differ from him, but we cannot say that his language is obscure, and that his intentions are unknown to us.

It follows that no Educational Scheme, which eliminates the religious element from the secular teaching, can meet the requirements of the case. At no stage of their educational course could the children or young men deriving aid from his endowments receive, consistently with his provisions, secular instruction divorced from instruction in the principles of Protestantism. To employ the revenue from his estates, or any part of it, to maintain technical schools, or to aid secular schools, or give exhibitions for success in purely scientific or literary subjects, while religious teaching of a Protestant character was to be ignored, or positively prohibited, would be to violate the intentions of the Founder.

**Thirdly.**—The Protestantism which the Founder sought to promote has long been identified with the Disestablished Church of this country. There is much to justify the opinion that Erasmus Smith did not intend or desire that the Protestant Episcopal Church should enjoy these Endowments, to the exclusion of the other Protestant Churches in Ireland; and this question deserves the same unbiased investigation of the Commission. We know that Erasmus Smith was a Puritan, and that his sympathies were with those who fought against King Charles the First. But he lived in an age when the high authoritarians in the State did not extend to the nation freedom of thought in the matter of religion. When Erasmus Smith got the first official document, the Indenture of 1659, Cromwell was at the head of the kingdom, and his co-religionists, the Independents, were promoted to the highest places: hence we find that the Trustees in the Indenture were Independents.

In 1659, when Erasmus Smith got the Royal Charter, Charles the Second was King, the enactments of the Act of Uniformity were being rigorously enforced, no man that would not conform to the Protestant Episcopal Church could be a preacher in a pulpit or a teacher in a school, or a trustee holding corporate property. In fact, every official, down to the lowest grade, was compelled to take the Sacrament at the Protestant Episcopal Church. It was then that Erasmus Smith accepted the Royal Charter with the Primate of all Ireland, the Archbishop of Dublin, and such like, as his trustees; and that he discarded the Catechism of the Westminster Divines from his schools, and

replaced it by that of Archbishop Usher. No man who is familiar with the history of the period, and recognises the bitter sectarian spirit that reigned, can resist the conclusion that political pressure forced on Erasmus Smith the acceptance of Protestant Episcopalians as his trustees, to the exclusion of those whom he had originally chosen.

This becomes the more evident when we find that having had to surrender the Catechism of the Westminster Divines, he chose in place of it for his schools the Catechism of Archbishop Usher, and not that of the Church of England, which had been appended to the manuscript copy of the Act of Uniformity; and further find that the Catechism of the Westminster Divines, and that of the Archbishop, are precisely similar in doctrinal teaching, and are alike free from reference to any form of Church government.

In other particulars, Erasmus Smith successfully sought to have his teachers and schools as free as possible from the supervision of Bishops and Bishops, and, during his life, there were no schools in Ireland as non-Episcopal as his, or as free from the control of Bishops and their clergy.

As regards the doctrines of scripture, the opinions held by Erasmus Smith are those of the Presbyterian Church in Ireland. The Catechism of the Westminster Divines is taught in almost all her Sunday Schools, and is largely used for family instruction throughout her bounds. The overwhelming majority of the Westminster Divines who drew up the Catechism, and of the Long Parliament who ratified it, were Presbyterians—and probably Erasmus Smith was a Presbyterian. It is a well known fact that, when making his will, the year before his death, the five men whom he appointed his Trustees were all non-conformists, of whom four were subsequently Presbyterian Ministers in the City of Dublin.

**Fourthly.**—At the present time, the National System of Education in Ireland amply provides for the Elementary Education of all the poor children in the country. Under the Scheme to be issued, no provision should be made for schools of that class. The altered conditions of the country justify departure, to that extent, from the arrangements made by the Founder.

Further, the obligation to provide education, for the children of the families residing in the areas covered by the estates of Erasmus Smith, remains practically unaltered, so long as these families refuse that education on the terms prescribed by him. In his letter to the Governors, dated June 6th, 1659, Erasmus Smith says—"If parents will exclude their children because prayer, catechism, and exposition is commanded, I cannot help it, for to remove that bar is to make them (the Schools) seminaries of Popery. Therefore, I beseech you to command him that shall be possessed and approved by your Honour to observe them that decline these duties and expel them." The principle that underlies this letter is that, if his tenants will not permit their children to be taught the Protestant faith, provision for their secular instruction shall not be continued. The policy that would expel the children from his Schools, in the conditions indicated, would lead to the withdrawal of those Schools from the areas of his estates, assuming that the tenants persist in rejecting the terms he offered to them.

It seems, therefore, that the Schemes which would be most in accord with the intentions and aspirations of Erasmus Smith, would be ones which should allocate the revenues from his endowment to a body of governors empowered to provide for the education of the

poorer classes all over Ireland, who would accept it coupled with instruction in the Protestant religion; and also empowered, subject to the same conditions, to aid those young men, when leaving school, to pursue their studies at a Protestant University, or to acquire proficiency in trades and in commercial pursuits.

The Governors to be members of the Protestant

Churches in Ireland; the representatives of each church on the governing body to be in proportion to the number of its adherents in the country, and with equal rights to a share in the management and benefits of the Foundation.

H. B. WILSON.

Cookstown,

July 30, 1894.

### THE ERASMUS SMITH ENDOWMENTS.

#### No. II. (b)

##### "REQUISITION" OF THE TENANTS ON THE TIPPERARY ESTATES.

To the Right Hon. the Commissioners of the Educational Endowments (Ireland) Act.

LEADS AND GENTLEMEN.—We the undersigned tenants on the Erasmus Smith Estates in the County of Tipperary, having heard that the Educational Endowments (Ireland) Act has empowered you to give to our children, from the Erasmus Smith

free Intermediate and University education in a form in which they may conscientiously accept it, most respectfully request you to concede to their children these prized educational rights that have been so long denied them.

(Signed)

MICHAEL HADGRAN,  
and 144 other signatures.

### THE ERASMUS SMITH ENDOWMENTS.

#### No. II. (c)

##### "REQUISITION" OF TENANTS AND SUB-TENANTS ON THE TIPPERARY AND LIMERICK ESTATES.

To the Right Hon. the Commissioners of the Educational Endowments (Ireland) Act.

LORDS AND GENTLEMEN.—We the undersigned tenants on the Erasmus Smith Estates in the Counties of Limerick and Tipperary having heard that the Educational Endowments (Ireland) Act has empowered you to give to our children from the Erasmus Smith

Endowment, free Intermediate and University Education in a form which they may conscientiously accept it most respectfully request that you concede to our children these prized educational rights that have been so long denied them.

(Signed)

JOHN BOYKE,  
and 77 other signatures.

### THE ERASMUS SMITH ENDOWMENTS.

#### No. II. (d)

##### RESOLUTION OF TIPPERARY AND LIMERICK TENANTS, passed at PUBLIC MEETING, August 6, 1893.

Resolved—

"1. That we, the tenants of the Erasmus Smith Estates in the counties of Tipperary and Limerick, in public meeting assembled, protest against the injustice done to our children by the Commissioners of the Educational Endowments (Ireland) Act, who have now, by their unjustifiable delay for almost five years, defrauded them of the use of their legal rights to the Erasmus Smith Endowment.

2. That we call upon the Commissioners to deal at once with the Erasmus Smith Endowment, and to restore to our children free Intermediate and University education from the funds of that endowment, as the indenture of Erasmus Smith, dated 1657, the Charter of Charles II, dated 1682, and the Educational Endowments (Ireland) Act, 1885, expressly command."

### THE LIMERICK DIOCESAN SCHOOL PREMISES (ROXBOROUGH ROAD SCHOOL).

(Dealt with in Scheme No. 20, for The Diocesan Schools and Banagher Royal School Endowments).

#### No. III. (a.)

LETTER of the JUDICIAL COMMISSIONERS, to accompany the AMENDED SCHEME prepared by them, in pursuance of the Declaration of the LORD LIEUTENANT, dated November 15, 1893.

Educational Endowments (Ireland) Commission,  
28, Nassau Street, Dublin,  
January 28, 1894.

Sir—I am directed by the Judicial Commissioners to submit herewith, for the approval of the Lord Lieutenant in Council, the Amended Scheme prepared by them for the future government and management of the above mentioned Endowments. This Scheme was

submitted to my Commissioners on November 15, 1893, with the following Declaration:—

"That they proceed to take further evidence of value as to the terms upon which the Rev. J. F. Gregg shall be at liberty to exercise his right of pre-emption of the premises of the Roxborough Road School, under the said Scheme."

The basis of the valuation contained in the  
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Amended Scheme, when previously submitted, was a Report and Estimate obtained from William M. Mitchell, R.A., the Architect of the Commissioners of Education, in which the premises were vested. The Judicial Commissioners, before signing the Scheme, had carefully considered the matter, and for the reasons given in the Observations submitted by them to His Excellency on July 20, 1893 (to which they beg to refer), they were of opinion that the price fixed by the Scheme, viz.—£831, fairly represented the value of the interest of the Commissioners of Education in the premises. The right of pre-emption, at a prior date to be fixed by valuation, was given to the Rev. J. F. Gregg in obedience to the Declaration of the Lord Lieutenant in Council, with which the Original Scheme was remitted on August 24, 1892.

Upon the receipt of the above-quoted Declaration of November 16, 1893, my Commissioners invited all the parties who appeared to be interested in the matter, viz., the Rev. J. F. Gregg; the Town Council of Limerick; the Board of Control; and the Governors of the Limerick Lunatic Asylum; to submit any further evidence of value which they might desire to bring under consideration. They also requested the Board of Control to inform them whether there was such a prospect of the premises being taken for the purposes of the Limerick Lunatic Asylum as ought to affect their estimated value; and, lastly, by permission of His Excellency and of Her Majesty's Treasury, they submitted a statement of the case, with copies of Mr. Mitchell's Report and Estimate, to the Commissioner of Valuation, with a request that he would furnish an official valuation, to assist the Judicial Commissioners in giving effect to the Declaration of His Excellency.

The Judicial Commissioners have since received the following further evidence of value:—

No. 1. Report and Estimate, dated January 12, 1894, by R. Fogerty, C.E., Architect of the Representative Church Body for the province of Munster, submitted by the Rev. J. F. Gregg, valuing the premises, alternatively, as a building site, at £664 10s. 0d., or partly as a School building and partly as building ground, at £200.

No. 2. Report and Estimate, dated January 12, 1894, by Wm. E. Corbett, C.E., City Surveyor of Limerick, who examined the premises in company with Mr. James Browne, C.E., and estimated the value of the School-house, if divided into three dwelling-houses, at £248, and the remaining land as building ground, at £336, which amounts to £1,236. If the plot were purchased by the Governors of the Lunatic Asylum he would add £200 to the above sum, making a total of £1,436.

No. 3. Report and Estimate, dated January 12, 1894, by James J. F. Browne, C.E., Architect to the Board of Governors of the Limerick District Lunatic Asylum, who estimated the value of the School premises at £490, and the value of the plot of land at £400, making together £1,290, and stated "that having regard to the want of room by the Governors of the Lunatic Asylum, the value to them would be at least £200 more," making £1,500.

No. 4. Letter, dated January 9, 1894, from the Secretary to the Board of Control, &c., of Lunatic Asylums, stating that his Board, after careful consideration, had come to the conclusion that the place was not suitable for the purpose of being converted

into a residence for the Medical Superintendent of the Asylum; that—though the small area made the premises of comparatively small importance as an addition to the grounds available for the labour and recreation of the patients—"it might be desirable to "prose them, provided they were in the market, and "the Vendors were disposed to treat for their sale, on "the basis of their value as pasture lands or town "parks," but "if the valuation already made by the "Educational Endowments Commission, and set forth in the Scheme, is to be taken as any index of "the real value, it is obvious that the premises could "only be bought for a sum far in excess of what the "Board would be justified in giving." The letter further stated that the resolution of the Governors of the Asylum, requesting the Board to procure the premises, made no suggestion as to the amount of the purchase-money, and the Board knew nothing of the proposal to give £1,600, contained in the Objection to the Amended Scheme, which the Governors presented to His Excellency on April 4, 1893, and added—"The Board of Control is in a position to inform your Commissioners that no such offer has been, or will "be made by it, or with its sanction, and that there "is no other authority empowered to purchase lands "for the use of a District Lunatic Asylum."

No. 5. Report and Estimate, dated January 15, 1894, by John G. Burton, Commissioner of Valuation, made in accordance with the request of the Judicial Commissioners, and of Her Majesty's Treasury, with a detailed description, map, and valuation of the buildings and land, concerning with Mr. Mitchell's estimate of the value of the buildings, viz., £400, increasing this, with a proposed outlay, to £100, and valuing the residue as building ground at £374, upon an estimated rental of £12 10s. 0d. per annum, calculated at twenty-two and a half years purchase, and deducting £60 for roads, &c., making the total £874, being only £43 more than the sum fixed by the Scheme.

Copies of the several documents above referred to accompany this letter.

Considering the condition of the buildings, their sanitary and structural disadvantages and defects, the large outlay which would be necessary to make the premises profitable, the speculative character of the elements of valuation, the conflicting estimates furnished by the interested parties, the close approximation of the estimates of the Architects of the Commissioners of Education, and the Commissioner of Valuation, and all the other matters appearing on the foregoing documents; and also having regard to their own inspection of the premises, the Judicial Commissioners upon careful consideration of the further evidence received by them see no sufficient reason to alter the terms upon which the Amended Scheme provides that the Rev. J. F. Gregg shall be at liberty to exercise his right of pre-emption given in obedience to the Declaration of His Excellency. Therefore, having revised the Scheme, they beg respectfully to re-submit it for the approval of the Lord Lieutenant in Council, duly signed.

I am, sir, your obedient servant,

N. D. MURPHY, Secretary.

To Sir William S. B. Kaye, C.B.,  
Clerk of the Council, Dublin Castle.

## DOCUMENTS referred to in the above LETTER.

## No. III. (b.)

## REPORT on and VALUATION of the PREMISES by WILLIAM M. MITCHELL, R.I.A., late Architect to the Commissioners of Education in Ireland.

Acting on the instructions of the Commissioners of Educational Endowments, I recently visited Limerick for the purpose of valuing the Diocesan School premises on Roxboro' Road, and beg to report as follows, viz.:—

The accompanying rough survey map indicates the extent of the ground attached to the School, and their environment. The situation is very suitable to the purpose of a school, being high and open, and conveniently close to the centre of the city. On the other hand, I do not consider that dwelling houses of the better class would let well in this locality. It is neither a business centre, nor a fashionable suburb, but rather a bye-road occupied by large public buildings, manufacturers, or small houses of the artisan class.

It seems to me, therefore, that the most profitable use to which the ground could be put would be to build dwellings of this class upon it, similar to some recently erected in the immediate vicinity, and for which I believe there is a good demand.

I have based my estimate of its value on such an assumption, and have calculated that some 600 feet of frontage could be obtained for this purpose.

Capitalizing the probable yearly return in the shape of ground rent at 2½ years' purchase, and making due allowance for the depreciation of rents and preliminary work, I make my valuation of the land amount to £675.

I should mention that the plot is enclosed by excellent walls, but that the drainage will be difficult to deal with, by reason of a stratum of limestone rock which appears to underlie the whole area, and which rises to within few inches of the surface over the greater part of it. I am informed also that there is no public sewer in this portion of the Roxboro' Road.

I am quite familiar with the School buildings, having inspected them almost every year since 1875.

They are in a bad condition at present, no repairs of any kind having been carried out for more than two years past, while the sums laid out in this manner during previous years were quite insufficient to keep the buildings in good order.

The first requisite is a new roof. The present one is very dilapidated and fragile, one portion having been propped up for several years to save it from collapsing. The original construction of these roofs is defective.

The sanitary fittings are old-fashioned and much worn, as well as inefficient, and should be replaced with others of a more modern kind. The system of sewage formerly existing was a most vicious one. This has, however, been remedied to a great extent by the action of the Commissioners of Education who, at considerable expense, carried the discharge pipe across the ground into a large cesspool in a remote part of the field, both pipe and cesspool having been sunk in the solid rock.

The walls, floors, windows, &c., are fairly good, though some repair will be required; but the ceilings, wall plastering, paving, painting, outside dashing, &c., are all very bad, and would need to be almost completely renewed.

Taking this into account, I estimate that an expenditure of from £600 to £800 will be required in order to put these buildings into complete and permanent repair, such as would be suitable for their present purpose.

It is not right to state that the improvements carried out by the present tenant were not at all of an ephemeral character, but included new eave gutters, rain water-pipes, the re-building of some chimney shafts at rear, W.C.s, and other sanitary fittings, galvanized rain water tanks, and some tiling in basement floor, most of which are serviceable still.

These buildings are well adapted to the requirements of a small school or such like institution, but apart from these it would be very difficult to find a profitable use for them. It would be costly to convert them into one large dwelling-house, or into two semi-detached residences; and even if such were done, I do not consider that a reasonable rent could be exacted, considering the locality they are placed in.

Taking all these circumstances into account, and likewise Canon Gregg's interest in the premises as a yearly tenant, I estimate the present value of the buildings at £400; making, with the land, a total value of £975.

WILLIAM M. MITCHELL, R.I.A.,  
Architect.

5, Leinster-street, Dublin,  
15th December, 1892.

## No. III. (b.)

## I.—VALUATION by the COMMISSIONER OF VALUATION.

## REPORT on the DIOCESSAN SCHOOL PREMISES, ROXBOROUGH ROAD, LIMERICK.

The premises consist of a school building and one acre one rood nineteen perches of land, the rateable valuation of which is £30.

The house is two storeys high in addition to a basement. The walls and woodwork are sound; the roof so weak as to be a source of danger to the inmates. Its removal is a work which cannot long be postponed.

There is a very spacious schoolroom on the ground floor, and a dormitory of equal size above it. These two rooms constitute a large proportion of the cubical contents of the house.

The basement, very solidly constructed, seems for the most part to have been hewn out of the

solid rock. The only means of draining it has been by a well sunk below the level of the foundations, at E on accompanying plan—and this well is now emptied by a hand pump.

As this mode of drainage is quite inadequate, the basement is always damp. It is at present used for kitchens, lavatories, servants' apartments, and pantries, but its deficient light and excessive moisture render it unhealthy, and most sensibly detract from the value of the property.

The sewage pipe referred to by Mr. Mitchell in his report is from F to G on annexed plan, and the tank is at G.

For the purpose of valuation it would be necessary  
2 L 2

to apportion a curtilage to the school building, and this should obviously be taken in the direction of this statutory scheme.

A reference to plan will show that in order to arrive at a fair valuation it will be advisable to assign about one-half the area as a curtilage to the house.

Whilst concurring with Mr. Mitchell's estimate of the value of the buildings, viz., £400, I should increase this with proposed curtilage to £500.

Value of residue as follows:—

	£	s	d
Building ground, 70 feet at £s., .	7	0	0
Building ground, 216 feet at £s., .	12	6	0
	19	6	0
This at 25 years purchase,	484	5	0
Deduct roads, &c., .	60	9	0
	374	2	0
	15.	1.	94.

Making the total as follows:—

	£	s	d
House and garden, . . . . .	500	0	0
Building ground, . . . . .	374	9	0
Total, . . . . .	874	9	0

In making the estimate I have taken into account, as an intending purchaser would, the following facts:—  
The site is almost on the confines of the city boundary;

It is unsuited for tillage purposes by reason of its shallow soil and underlying rock;

And expensive to drain for building purposes for the same reason.

There are no Corporation main sewers in the neighbouring roads.

JOHN G. BAXTER,  
C. of V.

### No. III. (a.)

Valuation by ROBERT FOGERTY, C.E., Architect to the Representative Church Body for the Province of Munster.

BOROUGH SCHOOL, BOROUGH ROAD, LIMERICK.

To the Commissioners of Educational Endowments, Ireland, Dublin.

Limerick, 12th January, 1894.

GENTLEMEN,

1. At the request of the Rev. J. F. Gragg, I have this day inspected the above premises, and have to report as follows:—

2. There are, in my opinion, two methods of arriving at a valuation of these premises (a) the first is as a building site, the school building being removed, (b) the other is by preserving the school building with sufficient curtilage, and valuing the remainder as building ground.

3. (a) The frontage to the Roxborough Road is 201 feet 6 inches, and I should value this at 3s. per foot, giving every consideration to the locality, as a building site; this would come to £30 4s. 6d. per annum as ground rent, and this I capitalize at twenty years purchase, £600 10s.

4. I see by Mr. Mitchell's valuation that he proposes to cut up the plot: this could not be done, as the Corporation cannot take over a blind alley, and the maintenance and cost of the drainage, which would be very great, would fall altogether on the landlord.

5. I am informed that the Poor Law Valuation of these premises when they were rated was £200.

6. (b) With regard to the second plan of valuing the present school buildings, I find that the house is in a very dilapidated condition, one portion of the roof is sunk in the centre, and has to be supported by timber from the ground floor up (put up, under the direction of Mr. Mitchell, for the Commissioners of Education), it would want renewal, the roof timbers being too light and decayed, consequently a very large expenditure will be necessary to put it and the

sunlight and other requirements of the building in proper order. The woodwork (including sashes, doors, floors, &c.) is much decayed. In addition there is no main drainage to connect the sewerage of the building with. The house depends at present on a cesspool at the far end of the field.

7. Under these circumstances I consider the building is of little value except as a school-house, as it would take more to alter it into dwelling houses, than what would remain of the old building would be worth.

8. A further drawback to the building is the want of drainage to command the lower story, as the public road drain if made would require to be sunk a considerable depth, and all in rock cutting; so the lower story should be abandoned, and filled in, as it is at present dark, gloomy and damp, being only lighted by gratings from the ground outside. This would accommodate the building of an addition to form kitchen, &c., on ground level, if any alterations were made in the fabric.

9. Valuing the building thus as a school premise, I consider that the large expenditure necessary to put the house in proper order practically reduces its value to the cost of the masonry standing (see paragraph 5), this I value at £200.

10. The remainder of the frontage—100 feet then available for building purposes, I would value at £100, but if utilized for artisans' dwellings it would considerably reduce the value of the School premises, if not destroy it for school altogether.

	£	s	d
Total Valuation on Scheme A, . . . . .	600	10	0
Total Valuation on Scheme B, . . . . .	490	9	0

I am, gentlemen,

Your obedient servant,

R. FOGERTY, D.A.R.B.C.I.,  
Architect.

### No. III. (d.)

Valuation by JAMES J. F. BROWNE, Architect to the Board of Governors of the Limerick District Lunatic Asylum.

Limerick, 25, Glentworth-street,  
12th January, 1894.

DEAR SIR,—I beg to state that on the 10th instant I visited and examined the Roxborough Road School and Ground, with Mr. William E. Corbett, c.s., City Surveyor, to report as to their present value.

I consider that the Residence of the Managers is in a fair condition of repair, it contains No. 8

floors. The accommodation comprises—kitchen, pantry, and store-rooms in basement; drawing-room, dining room, and study on ground floor; bed-rooms, closets, and bath-room on upper floor. From my calculation I estimate the value of the house at £900.

The plot of ground on which the School stands has a frontage of 200 feet, and a depth from front to rear

of 310 feet, and contains 1½ statute acres; which at £20 ground rent, capitalized at 3% p.a., I would value at £400.

Estimated value of School premises,	£	200
" "	" Plot of Land,	400
		£600

I think that having regard to the want of room by

the Governors of the Limerick Asylum the value to them would be at least £200 more.

I am, dear Sir, faithfully yours,

JAMES J. P. BROWNE, Architect  
to the Board of Governors,  
Limerick District Lunatic Asylum.

P. S. Connolly, Esq., Solicitor.

### No. III. (e).

Valuation by WILLIAM E. CONNELL, C.E., M.R.I.A.I., City Surveyor for the City of Limerick.

27, Glenworth-street, Limerick,  
12th January, 1894

#### " BORBOURG ROAD SCHOOL."

DEAR SIR.—I have to inform you that on the 10th inst., in company with Mr. James Brown, o.m., I visited and examined the Roxborough Road School. The plot of ground measures 200 feet by 310 feet in depth, between the boundary walls. The frontage of the Schools measures 86 feet, and the house is in fair repair except the roof over the School. Between the house and the railway grounds, there is a frontage of 102 feet.

I consider the School-room and porch at the end could be divided into two dwelling-houses, thus making three houses of the building, and on the frontage of

the 102 feet, five dwelling-houses could be erected, all having ground in the rear, 190 feet in depth, by the width of each house.

I estimate the value of the three houses at £945, and the frontage of 102 feet (to be let as building ground) at £324, which amounts to £1,234.

If the plot were purchased by the Governors of the Lunatic Asylum, I would add £300 to the above sum.

I remain, dear sir,

Yours faithfully,  
WILLIAM E. CONNELL, C.E., M.R.I.A.I.,  
City Surveyor.

P. S. Connolly, Esq., Solicitor,  
George Street.

### VALUATION of the BORBOURG ROAD SCHOOL, JANUARY, 1894.

Changing the present building into three dwelling-houses, viz.—

Ten houses at £25 per annum,	£	220
One house at £40 per annum,	£	40
		£280
Less ½ power rate at £1. 1d. in the £ for each house,	£	5
Repair and Insurance,	£	5
		10 10
£280 less 10 10 at 16 years purchase,	£	1,416
		100
100		4748
102 feet frontage at £1. 1d. to be let as building ground—£14 6s., at 10 years purchase —	£	234
		234
£14 6s.		41,534
234		392
		41,442

WILLIAM E. CONNELL, C.E., M.R.I.A.I.

City Surveyor.

### No. III. (f.)

#### LETTER from the BOARD of CONTROL, &c., of LUNATIC ASYLUMS.

Custom House, Dublin,  
9th January, 1894.

17607—93.

#### LIMERICK LUNATIC ASYLUM.

SIR.—Referring to your letter of the 18th ultmo, I am directed to state that on the 2nd November last a Resolution was passed by the Governors of the Limerick District Lunatic Asylum requesting the Board of Control to procure the grounds and building known as the " Roxburgh Road" School with the view to their being converted into a residence for the Resident Medical Superintendent of the Institution. The Board, after careful consideration, have come to the conclusion that the place is not suitable for this purpose, upon the ground that the services of the Medical Superintendent in the case of every District

Lunatic Asylum ought to be in the Asylum itself, or so close to it as to form practically part of the same building.

The Board has also considered, in connection with the Resolution of the Governors, whether it would be advisable to acquire the premises as an addition to the grounds now available for the labour and recreation of the patients, a substantial enlargement of which would be an undoubted advantage. The Board is of opinion that although this small area (five rods and a quarter, statute measure) makes them of comparatively small importance for this purpose, it might be desirable to procure them, provided they were in the market, and the vendors were disposed to treat for their sale on the basis of their value as pasture land or town-packs. The Board, however, presume that there is no prospect of this; and if the valuation already made by the Educational Endowments Com-

mission, and set forth in the Scheme referred to in your letter, it is to be taken as any index of the real value, it is obvious that the premises could only be bought for a sum far in excess of what the Board would be justified in giving.

Under these circumstances the Board have thought it useless to have any independent valuation made or to take any further steps in the matter.

The resolution of the Governors made no suggestion as to the amount of the purchase money, and the Board knew nothing of the proposal to give £1,500 referred to in your letter; but the Board of Control

is in a position to inform your Commissioners that no such offer has been or will be made by it or with its sanction, and that there is no other authority empowered to purchase lands for the use of a District Lunatic Asylum.

I am, sir, your obedient servant,

P. J. TOWER,

Secretary.

The Secretary,  
Educational Endowments Commission,  
23, Nassau Street, Dublin.

#### SCHEME No. 193. GLENARM SCHOOL.

##### No. IV. (a.)

LETTER of the JUDICIAL COMMISSIONERS to LORD ANTRIM, and also addressed to the Rev. S. F. DUDLEY-JANNS, as to the question of proceeding with the SCHEME.

Educational Endowments (Ireland) Commission,  
23, Nassau Street,  
Dublin, November 5, 1894.

Mr LEAN.—With reference to the proposed Scheme dealing with the above Endowment, I am directed by the Judicial Commissioners to state that, having regard to the original deed of foundation of February 9, 1825, and to the early history of the Glenarm Schools, they should not feel inclined in framing a Scheme which would exclude the Rector of the parish from the Governing Body.

At the same time, they do not think it expedient, even if it were possible, to frame a Scheme dealing only with that portion of the existing School premises which was included in the original deed.

Furthermore the Schools have been so much extended and have been as long maintained and managed by your Lordship and by your predecessors in title, and their efficiency is now so far dependent on your Lordship's support that the Judicial Commissioners will not frame any Scheme which would materially alter the present arrangements. It would be an advantage to the Schools to declare the trusts of the property which has been devoted to them, and to

incorporate a Governing Body to hold that property. The majority of any Governing Body so formed should represent the Antrim estate, and the Judicial Commissioners would propose that it should consist of the Earl and Countess of Antrim, with two Governors nominated by or representing them, and two co-opted Governors, together with the Rector of the Parish for the time being. The Scheme would provide that the Earl of Antrim, when able and willing to act, or his nominees, should be the Manager, and that the rules of the National Board regulating religious instruction in vested National Schools should apply to the Schools. The Scheme would contain the usual provisions for securing the property for School purposes.

If such a Scheme is desired, it will be at once compiled and submitted to the Lord Lieutenant, but unless a favourable reply to this letter is received before November 22nd inst., the Commissioners will not proceed further, as they apprehend that the usefulness of the Schools could not be promoted by framing a Scheme which would lead to contention.

I am to add that I have been directed to inform the Rev. S. F. Dudley-Janxs of the substance of this letter, and to invite a reply from him as well as from your Lordship before the day named.

##### No. IV. (b.)

REPLY of LORD ANTRIM to above LETTER.

Glenarm Castle, Co. Antrim,  
November 6th, 1894.

SIR,—Your letter of the 5th Inst. to hand to-day, I regret much I am unable to agree to the Scheme proposed therein.

I would also remind you that the Scheme is not at all in accordance with that proposed at the inquiry

held here by the Endowed Schools Commissioners on December 2nd of last year.

I am, yours faithfully,

ANTRIM.

To the Secretary,  
Educational Endowments (Ireland)  
Commission.

##### No. IV. (c.)

REPLY of Reverend S. F. DUDLEY-JANNS.

No. 192.

Glenarm.

Glenarm Parochial Schools.

Glenarm Rectory,  
Co. Antrim.

December 8, 1894.

DEAR SIR,—In reply to your letter of November 5th enclosing a copy of a letter addressed to the Earl of Antrim, I beg to intimate my assent to the proposals therein suggested with only one exception.

The difficulty I find is in reference to the two co-opted members. If these are to be elected by the five ex-officio Governors the Antrim Estate will virtually have six representatives out of seven, a very different thing from a majority to which the Commissioners consider the estate entitled.

I therefore venture to suggest that these two Governors should be elected by the Select Vestry (of which body Lord Antrim and his agent are members) so long as the Vestry shall contribute an annual sum of not less than ten pounds to the School.

Two strong reasons suggest themselves for such a proposal.

(I.) It would be most beneficial to the School—for  
(a.) It would exclude from representation those who took merely a sentimental, or possibly only a vanishing, interest in the School, and who had contributed nothing to its support.

(b.) It would also create a fund available to increase the efficiency of the School, a very pressing necessity, as, beyond the sum given by Lord Antrim for working expenses, there are no funds whatever.

(II.) This proposal would be a just recognition of the claims of the Church, to fair representation; and those claims seem to me very strong—for

(a.) The schools were founded by the Church Rector.

(b.) They are built on consecrated ground—the very site of the old Parish Church—the very headquarters remaining to proclaim that it is holy ground.

(c.) From 1825-1846 it was a regular Parochial School under the clergy, the teachers were exclusively nominated by the Rectors and licensed by the Bishop as Parochial schoolmasters.

(See Copy of Documents in Record Office forwarded by me to Commissioners, October 9, 1894.)

(d.) The Church lost control of the School through the misrepresentation of one of the Trustees, Mr. Edmund McDonnell who, in 1845, shortly after Rev. Horace Jebb had left the Parish, informed the N. B. that the School had been built by himself—and got himself appointed first Patron and Manager—Mr. McDonnell cannot, I think, be acquitted of misrepresentation or be deliberately included this schoolhouse in a schedule of his private property attached to a private Act of Parliament obtained by him in 1848 to settle disputes between himself and the Antrim family. In that schedule he has represented himself as "Owner for Lives renewable for ever." That some reparation is due, I think—"Nobis esse ollige."

(e.) I would also most respectfully refer to the observations of Lord Justice FitzGibbon at Enquiry held in Belfast, October 27, 1891—"I think the best course we can adopt is to ask you to give us suggestions by which we can identify the property and vest it once for all in a body which would hold it for Church purposes." I do not, of course, forget that at enquiry it was only contemplated to deal with premises in original deal; but, though the inclusion of Lord Antrim's private property modifies the Church's

claim, it does not destroy it—and after all it is *his* own Church and there is really no antagonism between the respective classes which in practice would, I am convinced, work harmoniously for sole good of the School.

While then assenting to all the other proposals of your Commissioners, I would wish to reserve my right to suggest before Privy Council (in case your Commissioners cannot accept it), the following: "If and so long as the Select Vestry shall continue to make an annual contribution of not less than Ten Pounds to the Funds of the School, paid before the first day of July in each year, they may elect two Representative Governors to hold office for such period, not exceeding three years, as the Select Vestry may determine; and such Governors shall not act as Governors in any year for which the said annual contribution shall not have been paid."

In reference to the opinion that the Schools are now dependent on Lord Antrim for their efficiency, I ask liberty to say that when in 1862 Lord Antrim was about to close the Schools, I offered to purchase the property at my own expense, and had my offer accepted, I would gladly have provided the working expenses and kept the Schools open for all who wished to use them. As a matter of fact I was prepared to do much more. I make this observation without in the least detracting from the great obligations the Schools owe to Lord Antrim and his predecessors.

I beg also to express my regret at the decision of your Commissioners not to frame any Scheme dealing exclusively with the premises in the original deed. When I approached the Commissioners I had no wish in any way to interfere with Lord Antrim's private property, but only to secure what was practically a Church School for the purposes intended by its founder.

I have the honour to be

Your obedient servant,

S. F. DUDLEY-JONES.

The Secretary,

Educational Endowments Commission,  
23, Nassau Street,

Dublin.



## GENERAL INDEX

TO THE

## REPORTS OF THE COMMISSION.

The following Index consists of Three Parts:—

Part I. is an Alphabetical Index, according to Titles, of the Schemes settled by the Commission.

Part II. is a General Index to the Proceedings of the Commission, as contained in the Reports, with regard to Endowments which have been dealt with in Schemes framed by the Commission.

Part III. is a General Index of the Proceedings of the Commission, as contained in the Reports, with regard to Endowments which have been inquired into, but not dealt with in any Scheme; and also with regard to general matters which have been dealt with and reported on by the Commissioners, including the Records of the Proceedings of the Commission.

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**NOTICE.**—Entries dealing with the matter referred to either in the text of the Report or in the Minutes of the proceedings of the Committee are arranged in chronological order in each Volume. With the prefix "Rep." the reference is to the actual Report or the Minutes mentioned thereto. Thus, Rep. 1885-6, v. refers to page 5 of the annual Report for 1885-6.

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No. 16260

DUBLIN CASTLE,

31st December, 1894.

Sir,

I have to acknowledge the receipt of your letter of the 29th instant, forwarding, for submission to His Excellency the Lord Lieutenant, the Final Report of the Educational Endowments (Ireland) Commission, with abstract of the Minutes of the Commission, Minutes of Evidence, and Appendices.

I am, Sir,

Your obedient Servant,

D. HARREL.

The Secretary,

Educational Endowments Commission.

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